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AUTHOR Mason, Peter
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ABSTRACT

This comparative study of private education in the United States and Canada discusses each country's national background, historical development of education, the legal and constitutional position of the private sector, statistical information on schools and pupils, the variety of private schools, and the status of and future prospects for private schools. The section that focuses on the United States includes information on the relationships of the federal and state governments with private schools. The section on Canada includes information about the provinces and private schools. The study illustrates two main points. The first is the strength and universality of conviction in the western world about the importance of freedom of choice in education as a cornerstone in the fabric of pluralistic democracies and of an increased awareness that equality of opportunity and choice must involve some kind of public subsidy for private education. The second point is that, despite this common ground, the role and status of each private sector is the product of its particular environment. (DB)

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PRIVATE EDUCATION IN THE USA AND CANADA

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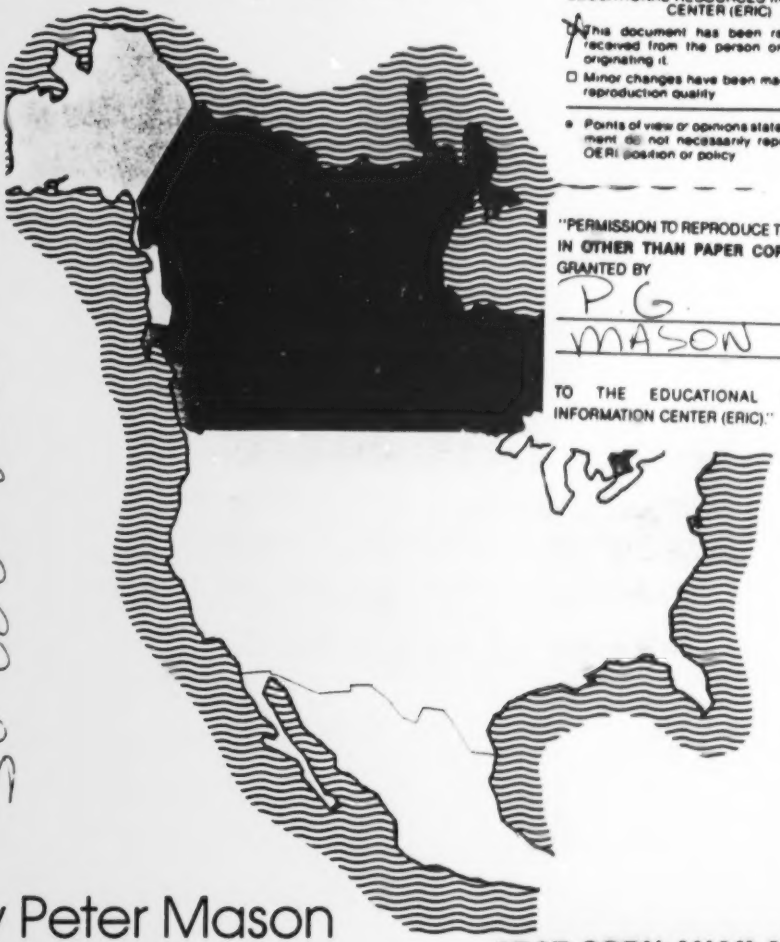

by Peter Mason

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Private Education in the United States and Canada

Preface

This comparative study of private education in Canada and the United States follows the pattern of *Private Education in the EEC* published in spring 1983. It illustrates very clearly two points which emerged from the earlier study also. The first is the strength and universality of conviction in the western world about the importance of freedom of choice in education as a cornerstone in the fabric of pluralistic democracies, and of an increased awareness that equality of opportunity and choice must involve some kind of public subsidy for private education. The second is that, despite this common ground, the role and status of each private sector is the product of its particular environment.

Thus, in the US the constitutional separation of church and state and the historical role of state education as a catalyst for the creation of American citizens from an infinite variety of immigrants has tended until recently to separate the private and public sectors, while in Canada a preference for the preservation of diversity in a multi-cultural society and the devolution of legislative authority to provincial level has resulted in closer ties between provincial governments, public schools and private education. In both countries the private sector has grown quite fast in the past decade, despite a sharp decline in the total school population; but further growth will depend on increased financial support both for running costs and for capital projects from regional and central governments. In neither country is there any strong political opposition to the existence of private schools and universities; and there are signs that in the next decade or so public support for private education will in fact grow, in response to public demand for greater freedom of choice irrespective of the ability to pay for it.

The private sector in the United Kingdom, when compared with those of many other western democracies in Europe and the two countries which are the subject of the present study, can be seen to offer less width of choice in types of school, to be less accessible to children from less well-off homes and to serve a more restricted range of ability, even if the standards of its best schools are among the highest for academic and character training. British politicians and educationalists alike might profitably consider the advantages of more active support for freedom of choice in education and of fostering collaboration between the public and independent sectors as a means of creating a more genuinely progressive and humane society.

I am more than happy to record my appreciation and thanks to all those who have made my visits to the US and Canada both pleasant and

rewarding. I owe a special debt to Mr Alexis Troubetzkoy of Appleby College, Oakville for hospitality and help with my programme in Canada, and to Dr E.L. Bullen of the Ministry of Education in British Columbia; and in the US, to Dr Karen L. Wenk, who arranged my programme in the East, and Mr Charles O'Malley of the federal Department of Education and Miss Gail MacColl of the National Institute of Education in Washington. Professor Stephen Sugarman of the Law Faculty at Berkeley not only gave logistical support and encouragement to my enquiries in California but in discussion and by correspondence gave me the benefit of his special expertise in the legal and social aspects of attempts to increase parental choice by government subsidy through vouchers or by tax deductions or credits.

At a later stage, it is hoped to publish similar studies, already largely completed, of the non-EEC countries in Western Europe, and to extend the survey to Australia, New Zealand and South Africa.

P.G.M.

The United States of America

1. **The national background**

The physical size and the infinite variety of the morphology and climate of the US make nonsense of facile generalisations. They are matched by the diversity of race, physical type and ways of life in a population which by an often painful and lengthy process of evolution collaborated to create a recognisable genus, *homo Americanus*, and a society in which personal liberty and tolerance under a democratic constitution are fostered and cherished as an ideal to be given priority in the organisation of daily life. Any attempt to study or portray aspects of American life which fails to reckon with the Constitution of the US, the variety of local loyalties, the multiversity of practice to be found in the 50 states and the infinitely varied ethnic groups cannot be more than superficial if not downright dishonest; and when American education, and in particular the independent sectors of it, is under consideration, there is need for special caution and for some understanding both of historical perspective and of the structure of authority in examining the contemporary scene.

2. **The shaping of American education**

Education in colonial America was largely the concern of a wide variety of religious groups and in nine of the thirteen colonies there were 'established' churches of different denominations on the British pattern. There being no possibility of endowment as in the UK, elementary schools were partly supported by taxes and partly by fees. Many of them were 'town schools', and with the founding of the Republic in 1789 they were increasingly joined by 'free schools' run by trustees without overt religious affiliations. The free schools soon began to prosper at the expense of their confessional counterparts, and by 1826 for example the NY Free School Society became the only recognised recipient of public funds, as the 'Public School Society'. Like other similar bodies its schools were non-sectarian, though Protestant in bias in accordance with the majority view in the Northern States; and by 1842 they had become district public schools supervised by an elected board of education and a state superindendent of schools. Horace Mann in Massachusetts is credited with the establishment of the pattern of the common school open to all classes which was designed to be the catalyst in turning immigrants into American citizens and raise the working classes to equality, a purpose which has continued to inspire the public system of education nationally. Similar but not identical patterns were established in many other states alongside private schools and not without fierce conflict from landowners and religious groups over taxes and rights, though more slowly in the South, where segregated education survived within the public system until the 1960s. With the industrial revolution and the influx of immigrants from Europe, the growing numbers of children from Catholic families were educated in parochial Catholic schools whose claims for subsidy were unacceptable to the supporters of the new public schools, and by 1876 feeling amongst the Protestant majority was strong enough for the Republicans to propose in their manifesto that the American Constitution should be amended to 'forbid the application of any public funds or property for the benefit of any school or institution under sectarian control'. The famous 1st amendment of December 1791 had proclaimed the separation of church and state by prohibiting Congress from establishing a religion in the state, while safeguarding the free exercise of religion

along with freedom of speech and of the press; and those who opposed subsidies to Catholic and other confessional schools based their proposals on this amendment, whose intention has been the subject of legal argument in the Supreme Court and elsewhere ever since (see Section 5a and b). Secondary education at this period was mainly the function of private academies, which flourished until public high schools began to take over in the last quarter of the century, and then diminished in numbers to persist as the independent day and boarding prep schools of today. Even in 1890 40% of all children at secondary level were attending private schools, paid for from property taxes and state grants, a Catholic parochial system supported by the church and Catholic parents, and a variety of independent schools, some church based and others unaffiliated, depending on fees and endowments. At times and in some localities the two independent sectors have received some support, often of a minimal kind, from public funds, but there was a renewed outbreak of hostility in the aftermath of World War I, with proposals – enacted in some places – for the abolition of private education by compelling all children to attend public schools. In a famous case, Pierce v. Society of Sisters, the Supreme Court held that the US Constitution guaranteed the right of private schools to exist and of families to choose them for their children subject only to the right of the State to impose 'reasonable regulation'. Since that judgement the right to choose a private school has been widely taken for granted as protected by the Constitution. The right of private schools and their pupils to financial aid from public funds has continued to be the subject of legal judgements based on the 1st amendment, mostly hostile to such assistance, but, as will appear in a later section, the desirability of aid by such means as tax credits and vouchers is today hotly debated both within the independent sector and by politicians, the general public and the champions of the public system, and their legality is again being tested in the courts. At the heart of the matter lies a paradox implicit in the American way of life – the desire to promote on the one hand democratic pluralism and devolution, and on the other to create an integrated society controlled by a dominant administration.

3. The public system – an outline for reference

(a) *The Federal role*

Education is nowhere mentioned in the Constitution, the 10th Amendment of which provides that 'the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people'. The federal role, now administered by the Department of Education, which replaced the tiny commissioner's office some twenty-five years ago and was recently upgraded to a separate Department, is confined to the funding of special programmes meant to aid national defence, the disadvantaged and other special categories, and to research and innovation at all levels. The Elementary and Secondary Education Act of 1965, sponsored by President Johnson, and now replaced by the Education Consolidation and Improvement Act, provided in the first year of operation some $1300m of its $4000m budget under two headings – Title 1 for the disadvantaged and Title 2 for library and other materials and other special needs. By 1976 federal spending exceeded $20,000m, and the Department's activities had widened to include collaboration with professional associations, the provision of school meals and lunches, and other plans designed to improve educational opportunity and practice, although moneys for elementary and secondary education still represented only a small percentage of

the total. The figure for 1984 was $15·14 billion, after a continuing economy drive, with $3·48 billion allotted to title 1 projects.

(b) *The Supreme Court*

It would be hard to overestimate the importance of the American judiciary in determining policy concerning both public and private life and conduct. The traditional remedy against injustice or maladministration is recourse to the courts in any democratic country, but in the US this practice is universal. Most matters of principle end up with the Supreme Court, whose judgements examine at length and pronounce upon major questions in relation to the Constitution – for example, on the practice of racial discrimination by separate schooling for black and white children, where its ruling in Brown v. Topeka Board of Education in 1954 compelled the Southern States to abandon the segregation which had been so long maintained there.

For its importance in relation to freedom of parental choice, see section 5 below.

(c) *The States*

Each of the 50 States controls its own educational system at all levels under laws approved by the state legislature, which apply both to public and private institutions. Educational policy is the responsibility of the state board of education, consisting of either or both elected members and members appointed by the state governor; their chief executive officer is called either the superintendent of public instruction or the state commissioner of education, who, like the board members, is either elected or appointed and who normally serves for up to six years. The board actively controls not only general policy, but amongst other things the arrangements for the certification of teachers, and the provision of text books and library facilities, and settles the boundaries of local boards (LEAs). It is responsible also for funds for education raised by state taxes. There is a marked tendency towards greater concentration of power at state level, at the expense of school districts.

(d) *School districts*

For more than 100 years each state has given local school boards a large measure of authority over public primary and secondary education in respect of finance, curriculum, organisation and the hiring of teachers. Some 40,000 school districts in earlier times have now been reduced by amalgamation to about 16,000, the great majority of which are run by boards of between five and seven citizens, elected by the community more for their educational involvement than on party lines. Within the widely different limits set by state policy, each board assesses its claims on the community in terms of property tax, though in recent years the state has made an increasingly large contribution to local costs, and in California, for example, has virtually abolished taxation at district level. The property tax is nowadays usually levied for the school board via the municipal, local or city council. The chief officer of the board is the superintendent of schools, who, like a chief or district education officer in the UK, advises on and administers the board's policy in respect of finance, the hiring, payment and control of teachers and other school employees, the maintenance of buildings, the purchase of equipment and supplies and school transport.

The retention of strong local control of education is a legacy of Horace Mann's vision of a democratically based system in which the citizen is deeply involved and is a tradition which, despite a good deal of criticism for the diversity it produces, is cherished and fostered. A similar system of local control exists in Canada. In both countries this arrangement has contributed to the independence of education from

party politics – an independence which in the States at least is now, as already noted, threatened by the increasing control exercised by state boards as the price of larger contributions to costs. The centralising policies of the powerful US teachers' unions, especially the National Education Association, have also weakened local powers.

(e) *The organisation and structure of public education*

Pre-school education for four and five year olds is not universal, and in the '70s operated in about 50% of public school systems. Elementary school covers grades 1 to 6, and at the secondary level is commonly followed by either three years in junior and three in senior high school, or six years in a continuous secondary school (or two years in an intermediate school or the upper level of an elementary school, followed by four years of high school) as will be clear from diagram 1.

There are no state controlled examinations at an intermediate or higher level comparable to the GCE O and A levels, and admission to higher education is based on admission tests, mostly of the multiple choice kind, set by the private Educational Testing Service, together with high school transcripts and teachers' references. The most able pupils sit for the national Merit Scholarship examinations.

Teachers in all states must have a licence or certificate to teach in public elementary schools, the requirements of which are laid down by the state authority. A bachelor's degree is obligatory for teachers in elementary schools throughout the US. For secondary schools a BA or (in a few states) an MA is required. Schooling is obligatory from age 6 to 16. The pupil teacher ratio in 1980 was 18.9 for elementary and secondary schools, against 17.9 in the private sector.

Apart from a few technical vocational schools and special schools, almost all public schools are 'comprehensive', though tracking and streaming have been used at various times to some degree and are much debated. Examples of exceptions are the Bronx School of Science in New York for the scientifically gifted and the N Carolina School of Science and Mathematics which is a boarding school of 399 pupils drawn from 85 of the 100 counties in the state. Zoning and busing have been used widely in the cities, but as in other countries schools vary very widely in quality from the first class to the awful depending on the hinterland they serve. Until the '60s in large parts of the US and especially in the Old South black and white children were legally assigned to separate schools of equal quality in theory, but unequal in fact.

Religious education is specifically barred in public schools under the 1st amendment. Recently the Reagan administration has tried unsuccessfully to reintroduce worship in school.

THE PRIVATE SECTOR

4. Statistics

Entirely accurate statistics for the size of the private sector and of its component parts are unattainable for a number of reasons. A proportion of schools, mainly fundamentalist in affiliation, refuse to fill in official returns and the National Center for Education Statistics, which is a sub-section of the federal Department of Education, has no power of compulsion except when a private school receives government moneys under one of the federal programmes. Furthermore, requirements for registration vary from state to state, and lists published by the different associations do not cover the whole field. The Center has therefore adopted a statistical model for estimating the shortfall in response, which formed the basis of

its survey *Private Schools in American Education*, published in January 1981.

According to the survey, roughly 80% of all private schools were church-affiliated, and accounted for 85% (4,337,567) of the total population of private schools. The largest single church group was the Catholic one, with 9849 schools (50%) and 3,269,760 pupils, (64.3% of the total). Baptist schools had 4% and Lutheran 4.3%, Seventh Day Adventist 2.9%, Jewish 2%, Episcopal 1.5%, and the remainder – Calvinist, Eastern Orthodox, Friends and Presbyterian – less than 1%. A further 4.5% belonged to a miscellaneous category which included Amish, Christian, Mennonite and other denominations.

The non-affiliated 20% included, along with other non-sectarian schools, Montessori, Steiner and other groups, as well as some members of the National Association of Independent Schools.

Pupil/teacher ratios in 1978/9 were 18.6 compared with 19.4 in public schools, but varied greatly in the different groups from 22.8 in Catholic schools to 11.8 in the non-affiliated schools. By 1980/81, ratios had fallen in both private and public schools to 17.9 and 18.8 respectively, along with the total enrolments of both sectors, but the percentage of pupils remained the same at 10.9%. Catholic numbers had dropped to 3,026,000 pupils in 9432 schools.

Researchers such as Cooper and his colleagues* and Erickson of UCLA are critical of the assumptions on which the Center's estimates were based and suggest that they underestimate the number of 'hidden' schools which refuse to give data and somewhat overrate the size of the Catholic group. Cooper estimates the total private school enrolment as 5.4 million and suggests it might rise to 5.95 million in 1990, while Erickson believes that 12% is a better estimate of its relationship to the total of some 41 million in public schools, and that some 33% of fundamentalist schools have escaped the net.

A National Center Bulletin of June 1982 shows how widely the proportion of schools in the private sector differs from state to state – from 33% in the District of Columbia (Washington) and Hawaii to 4% in Utah and Oklahoma. The ten highest ratings include also New York, Delaware, Pennsylvania and Wisconsin, all over 30%, and Florida, Rhode Island, New Jersey and California, all over 25%. Because private schools are mostly smaller with an average size of 239, the enrolment percentages vary from 19% to 2%. Eight of the ten states with the lowest ratings are in the west and south-west.

The distribution of religiously affiliated schools shows Iowa, Nebraska, Wisconsin, Ohio, Minnesota, Idaho, West Virginia, Missouri, Illinois and Indiana with from 98% – 93% of such private school pupils, and only two, Mississippi and Georgia, with less than 50%.

Pupils in Catholic schools are most numerous in Ohio (85%) and Rhode Island (84%) and lowest in South Carolina (15%), Georgia (16%) and North Carolina (16%). Idaho and Alaska are examples of states where the total of religiously-affiliated pupils is high (94% and 85%) and that of Catholics low (38% and 37%).

More than 93% of all private schools are co-educational and day schools; elementary schools outnumber secondary by two to one. 17% of all schools, almost all non-Catholic, combine both levels, and almost 6% are special or vocational or alternative schools. Only 2% in 1978/79 were 'boarding only', and 4.9% combined day and boarding, the greater number of each kind being found in the 'non-affiliated' group which includes many of the expensive schools in membership of the NAIS.

School size: Elementary and middle schools are preponderantly under 400 in size

* *The latest word on Private School Growth*. Cooper, McLaughlin and Manna. Teachers' College Record Vol. 85 No. 1 pp. 88-98.

while three out of four secondary schools have more than 400 pupils. Schools under 400 pupils mostly belong to the smaller church groupings and to non-affiliated schools, many of which are 'fundamentalist' and may not cover the full age range even at elementary level.

Trends: Since the 1930s, when reasonably accurate records begin, enrolment in private schools rose, though unevenly, from 8% to a peak of 13.6% in 1960/61, and has since stabilized at about 11% on the NCER figures. Church affiliated schools during the same period declined from 90% to about 80% with a marked loss in Catholic numbers from the mid-sixties until very recently. This decline was in part at least the result of increased fees as the numbers of teachers in orders decreased sharply, just as in European Catholic schools, and of unwillingness of dioceses or religious orders to provide capital for improvements. It was also a consequence of social change and an increasingly materialistic, acquisitive attitude to life. There were over five and a half million pupils in Catholic schools in 1965/66, out of a total of almost 6,800,000. Cooper *et al.* suggest this process is now beginning to be slowly reversed, but estimate the decrease in Catholic pupils from 1965-83 as 46%, two-thirds of which decrease had occurred in elementary schools. Conversely, they estimate the increase in non-Catholic pupils to be 21.2% for the same period. For the implications of these figures see Section 9 below.

5. The private sector – constitutional and legal rights

(a) *The right of choice*

The federal government has no constitutional or legal responsibility for elementary and secondary education, public or private. Legal control rests with the individual states by virtue of the 'reserve powers' clause of the 10th Amendment of the US Constitution. There is no statement in the Constitution about either the right of free parental choice in education or the right to establish private schools, though some states contest the latter. As in so many other fields, the clarification of contested rights depends ultimately on recourse to law by contesting parties, ending up finally with rulings from the Supreme Court, which combine interpretation of the law with a regard for historical tradition and practice. The validity of the two rights is generally held to have been established by the Supreme Court ruling on the famous case Pierce v. Sisters (Oregon, 1925) referred to in Section 1. An Oregon referendum had sought to force all children into public schools, but the Court held that the 'due process' clause (Section 1) of the 14th Amendment which forbids any state 'to make or enforce any law which shall abridge the privileges and immunities of citizens of the United States....' protected private education and gave families the right to choose such education provided that it met reasonable standards of quality which the state might require, so confirming the state's right to compel some form of schooling. Since this judgement there has been no serious attempt to abolish private schools, and freedom of choice has been taken for granted as under the protection of the Constitution; and it has also become the political symbol of the authority of parents over their children's education.

(b) *The legality of financial aid for private schools*

The extent and nature of legal control of private education rests with the individual legislatures of the 50 states and the District of Columbia and will be described in Section 7 below.

The right of private schools to receive financial aid either by subsidy or by exemption from taxation at federal or state level has been largely dependent on

interpretation by the Supreme Court of the 1st Amendment to the Constitution which rules: 'Congress shall make no law respecting the establishment of religion or prohibiting the free exercise thereof or abridging the freedom of speech or of the press, or of the right of people peacefully to assemble, and to petition government for a redress of grievance'. Many individual state legislatures have legislated to give various kinds of aid to private schools, but over the last fifty years the Supreme Court has tended to interpret the 1st Amendment as a bar to conventional forms of aid by teacher and parent subsidy, such as the supply of text books and materials, and the like. The first case was Everson v. Board of Education of New Jersey in 1947, which categorically rejected all forms of aid for religious activities and institutions in ruling on a statute authorising school districts to reimburse parents for travel costs to and from school; and although later rulings have been slightly less peremptory, the court ruled in Wolman v. Walter in 1977 concerning the provision in Ohio of text books from public funds as follows: 'In summary we hold constitutional those portions of the Ohio Statute authorising the State to provide non-public school pupils with books, but hold unconstitutional those portions relating to instructional materials'.

Nevertheless, as will be made clear below, both federal and state authorities provide differing degrees of aid from public funds for private schools, and non-profit-making private schools are exempt by law from federal taxes and by custom from their state equivalents (for details see 6 and 7 below). More ambitious plans for tax-credits, tax-deductions or educational vouchers have been proposed in Congress, so far without success, partly because of unfavourable rulings by the Supreme Court; but a recent judgement allowing a policy of tax-deductions for parents in both public and private schools in Minnesota seems to mark a breakthrough which may open the way to future progress. Details will be found in the section on tax-credits and tax-deductions (section 10 below).

(c) *Charitable, tax-exempt status*

An opinion filed in the Supreme Court of Pennsylvania on 24th March 1952, by Justice Allan M. Sterne shows very clearly the requirements which must be fulfilled by a private school claiming charitable, tax-exempt status.

(1) The school must have been founded in whole or part by charitable donations.

(2) The cost of maintenance must exceed the amount charged in fees, so that deficits are made up either by direct gifts or by endowment income.

(3) Trustees must serve without pay.

(4) Wages and salaries must be comparable with those paid for similar services elsewhere.

(5) No one may receive any profit.

(6) Admission must be open to all who can meet the requirements of health, character and scholarship irrespective of race, colour or creed.

The last requirement is clearly capable of wide differences in application and consequent litigation. They all stem from Section 50 (c)(3) of the US Tax Code.

(d) *Racial discrimination and freedom of religion*

Much litigation in local and state courts turns on issues raised by state laws on compulsory attendance, which as will be seen below (Section 7) vary widely from state to state but are the traditional mechanism for enforcing minimum standards in private education by dint of regulations limiting the right to go to other than public

schools. The growth of fundamentalist Christian schools, some of doubtful educational standard, has resulted in ever-increasing appeals to the court against alleged encroachment of the state in an attempt to set minimum educational standards which endanger, it is believed, the freedom to exercise religious belief guaranteed in the 1st Amendment. The most significant example of interaction by the courts in favour of a religious minority was the ruling in 1972 in Wisconsin v. Yoder that Amish families could be exempted from public educational progress beyond the 8th grade because their religious objections made the Wisconsin compulsory attendance law unconstitutional in respect of Amish children. This judgement is clearly capable of extension to other religious groups which can demonstrate they have a satisfactory educational alternative; though the Faith Baptist Church in Nebraska was defeated in its contention that the state has no authority at all over the operation of a religious school. Such cases are most frequent where state regulations are stringent and less frequent where they are lax. Other legal judgements reveal a certain tension between the right of freedom of belief and of protection against racial or other discrimination. For example the Supreme Court, in Bob Jones University v. United States (1983), ruled that racial discrimination disqualifies a private institution from tax-exemption even if urged on religious grounds; and other cases have upheld the right of coloured children to attend private sectarian schools with restrictive admissions policies.

The role of the judiciary at both state and federal level is in American practice so involved with the interpretation of legislation that the courts are in danger of acquiring quasi-legislative authority. The brief account above shows clearly how much they influence public policy and how strongly the American citizen values individual freedom of conscience in the face of regulation by authority, and is prepared to go to law to preserve it.

6. **Federal government and the private schools**

The limited role of federal government in education generally was briefly summarised in section 3(a) above. At the level of higher education, which is regarded as a 'voluntary' activity, the Department of Education gives student loans and scholarships which, with the state grants, are a major source of support for the private universities and colleges. They have historically lost some autonomy as a result of subsidy, and as recipients of government funds all their activities (even games) are subject to federal laws against discrimination.

Aid to elementary and secondary schools is a more controversial question and is by no means welcome to many in the private sector, though, as will appear later, there are signs of a change in public aspirations on this score. The Department now has a section under an executive assistant officer – at present a Catholic educator, Dr Charles O'Malley – specifically assigned to private school affairs, and has established a list of nominated liaison officers in each state department of education to maintain contact at state level. During its ten years or so of existence the office has fostered consultation at federal level with CAPE, the umbrella organisation which co-ordinates the main private school groups, and with government and university research agencies. Dr O'Malley also runs a series of informal meetings called 'Kaffeeklatsches' in which public educators join private school representatives for the discussion of current problems.

At the time when the launching of Sputnik caused a review of scientific education in the US, federal money was first made available to private high schools in the shape of cheap loans for laboratories and apparatus in schools. As was noted

above, President Johnson in 1965 inaugurated the first major federal programme of educational aid in the Elementary and Secondary Schools Act, designed mainly to compensate disadvantage by benefiting pupils rather than institutions. Aid was offered under two 'titles'. Title one concerned remedial services for the disadvantaged in high priority areas, and title two covered a number of issues including the provision of library books and services. The Bill was passed with the support of the Catholic private schools.

For the first ten years private schools gained little from these provisions, until in 1970 legal action opened the way to more active participation. The provisions of the Act and some other kinds of federal grant have now been amalgamated and restated in the Education Consolidation and Improvement Act of 1981, which sets out available grants under two headings. Chapter 1 money for the relief of disadvantage is transmitted to school districts via the state authorities. Districts establish poverty areas, and per capita grants are given to pupils in the lowest quartile of an average value of $600-700; and private pupils even in profit-making schools can qualify in this way for remedial or other services. Children in inner city schools are the main beneficiaries and this explains the enthusiasm of the Catholic Education Board. As an example, Catholic schools in San Fransisco received almost $500 per qualified pupil in 1980. Overall, just under half the eligible private school pupils are thought to benefit. Recently Congress has been asked to agree that this benefit be 'voucherised' so as to free it from local education authority control. If this were agreed it would be a big step towards guaranteeing aid for private pupils, but the chance is not great. Expenditure under Chapter 1 is now $2700m per annum and benefited 5.2m children in 1984, 200,000 of them in private schools (CAPE).

Chapter 2 groups together some 29 federal programmes which are more freely available to private schools, though again 80% of the money goes via the state authorities to school districts in proportion to the numbers of both public and private school pupils in the area concerned. The main subheadings provide for:

(1) the development of basic skills by improving diagnostic methods, establishing learning goals, establishing pre- and in-service training of teachers and involving parents and teaching achievement;

(2) the improvement of library and text book resources, counselling and training;

(3) some 15 special programmes covering academic, health and consumer education, the needs of high performing children and student proficiency.

Chapter 2 grants are available only to non profit-making schools.

A sum of $8m per state is reserved under state control and can be used for what is described as 'personal development'.

The main benefit under Chapter 2 for private schools is for library and text books, computers and other resources, but there has been dispute over equipment which might be used for confessional purposes – e.g. an overhead projector and maps; and the Catholic authorities have had friction with some school districts.

Other federal funds are available through church and recreational programmes and Congress has recently (March 1984) been asked to vote an increase in Chapter 2 grant for 1985 to $729m; and the Senate has yet to debate an allocation of $425m for maths and science education.

No figures are available to measure the benefit to private schools of federal aid in recent years, but in 1970-1 it was estimated that 5.1% of their income came from indirect tax deductions and 4% from direct programme expenditures. It is

reasonable to suppose that this 4% is now considerably increased, even though private school costs have risen very sharply indeed.

7. The States and private schools

(a) *Regulation and Control*

State laws on education and even the terminology employed in them vary so greatly from state to state that neither the federal Department of Education nor the Law and Education Center of the Education Commission of the States in Denver, Colorado, has so far succeeded in establishing accurate comparative tables, despite the existence of a considerable research literature on the subject. Indeed eleven states, in answering a questionnaire in 1980, replied that they had no machinery for supplying data about enrolment in private schools. It is clear that while some states such as Nebraska, Maryland, Wisconsin, New York, West Virginia and Iowa exercise considerable and strict control over private schools, and virtually treat public and private schools alike, others, for example Mississippi, have no educational regulatory policies beyond those which affect other kinds of institution as well.

A study based on evidence dating from 1976-81 gives approximate estimates of the number of states applying various methods of regulation either singly or in combination. They are as follows:

(1) The most common regulatory mechanism is by school attendance laws, which exist in all states except Mississippi and the District of Columbia.

(2) Five states, including New York and Illinois, require mandatory accreditation of private schools – i.e. they must be approved by the same kind of assessment as in public schools and reach equivalent standards. 28 states have voluntary accreditation programmes and 19 take no action in this.

(3) 16 states require private schools to be 'approved' as a condition of operating, with some relaxation for confessional schools in two states; an equal number give approval if schools apply for it, and 20 have no state approval programme. Approval involves the supplying of some information about various aspects of a school, and a certain standard of efficiency.

(4) By another definition, 5 states claim to operate a mandatory licensing programme, 19 a voluntary one, and 26 do not license. It is not clear how if at all licensing differs from approval.

(5) 13 states insist on some kind of certification for teachers, 26 make this voluntary and 12 have no such regulation.

Policy in regard to private schools operates on a spectrum whose poles are set by the Pierce v. Sisters judgement – on the one hand the right of parents to direct the upbringing of their children, and on the other the right of the state to ensure that proper education is provided. Where stricter control is favoured this is usually the result of pressure from strong public service unions, where the main opposition to private schools is centred, combined with unease about the quality of some private schools, especially fundamentalist ones, and their refusal to follow regulations, and a wish to offer consumer protection; feelings which spill over to affect the whole private sector. In a few states the right of existence of private schools has been challenged, but the commoner reaction is to tighten attendance requirements and other reporting, and insist on testing of private school pupils and teacher certification. Another pressure comes from zoning and taxing boards, which tend

increasingly to ask for payments in lieu of property taxes from non-profit associations, and to assess charges for fire, sewerage and other municipal services. In Massachusetts, where the Catholic schools are strong, this pressure has been avoided, but in Connecticut non-profit associations have banded together to resist it and many schools and universities, including Harvard, offer an ex-gratia payment to avoid trouble. Nevertheless it should be stressed that in many states control is minimal, and confined to such things as building codes and safety and that there is overall strong and traditional public feeling against intervention in America society generally. Recently several states have established Advisory Boards of independent school representatives to work with their educational officials, in addition to the official liaison officers with private schools already referred to in section 6.

(b) *State aid for private schools*

Financial aid at state and local level for private schools is restricted by the constitutional restraints as interpreted by the Supreme Court. It comes firstly from the tax-privileges at state level normally given to non-profit-making institutions (some 95% of the total) and from the right of donors to charities to deduct their contributions from their taxable income in respect of state taxes; and from child benefit programmes payable to families as opposed to schools. In 1975 fifteen states authorised free school transport for private school pupils by law and fourteen more under certain defined circumstances where public school routes were available. At the same date eight states provided secular text books for private pupils and eight more recommended that local authorities provide them either to some or all pupils. Some states provide guidance and counselling services.

South Carolina and Virginia offer state scholarships for competition to pupils of non sectarian private secondary schools, and Vermont, New Hampshire and Alaska pay tuition fees in country districts where there is no public high school. An estimate for 1970/71 suggested that 8.7% of the total income of private schools came from indirect deductions and direct expenditure at state level, and 8.5% at local level, about half of the total being the benefit of indirect deductions.

8. **The organisation and grouping of private schools**

The number and relative strengths of the many different types of private school were made clear in the statistical summary in section 4. It seems best to give some account of their different aims and purposes in relation to the associations they have formed to further their special interests.

(a) At federal level in Washington the *Council for American Private Education* (CAPE) is an umbrella organisation similar to but much more broadly based than the Independent Schools Joint Council in the UK. It also acts as a publicity and information service for private schools. Its board of directors and executive director, Mr Robert Smith, a Friend and former headmaster, work closely with the US Department of Education and other government agencies and have greatly strengthened the standing of the private sector and its influence in education policy. Its present president is the Director of Christian Schools International from Grand Rapids, Michigan, one of the main fundamentalist groupings.

A list of all the private school organisations known to CAPE is to be found in Appendix 2.

(b) At regional and state level there is a number of broadly-based umbrella organisations similar to and allied with CAPE which bring together the main types

of local private school association for discussion of educational policy, pedagogy and other matters. Typical is the Californian Association of Private School Organisations (CAPSO) which in Autumn 1983 organised in San Francisco a meeting attended by more than 5000 teachers, trustees, parents and pupils, and is a powerful advocate of, for example, tax-credits, vouchers and other state aid. The attendance at the meeting and the business discussed demonstrated very clearly the preponderant influence of the various denominational groups, including the fundamentalists. The present president is headmaster of a Dutch-Reformed School.

(c) *Catholic Schools*

Although 75% of Catholics use the public system of education, Catholic private secondary and elementary (parochial) schools are by far the biggest and most powerful component of the private sector, accounting for 64.4% of all private pupils. They are organised and directed nationally by the United States Catholic Conference, whose Educational Secretary is the Rev T. G. Gallagher, and supported especially in pedagogical material and equipment by the National Catholic Educational Association (NCEA). In November 1972 the National Conference of Catholic Bishops published a brochure entitled *To Teach as Jesus Did* which included a discussion of the role and purpose of Catholic schools and the visible shrinkage in numbers, especially at elementary level, which was remarked in section 4. The bishops stressed the financial problems caused by spiralling costs and the lack of teachers in orders who must be replaced by expensive lay men and women, and lamented the failure of the courts to approve state and federal aid for private schools for which they are strong claimants (see section 10 on tax-credits and vouchers). They stressed their desire for active collaboration with both the public schools and other private associations.

Catholic schools have been the main beneficiaries amongst private schools of federal grants for the disadvantaged, and especially in the big cities enrol many children from families in the lower social groups. Nevertheless the pressures already mentioned and the withdrawal of support for high schools by diocesan authorities, who are increasingly turning over schools to lay boards, have helped to make the Catholic school population increasingly middle class, despite the scholarships some dioceses make available for the badly off. Fees vary from less than $700 per annum for elementary schools up to $1180 and more for high schools.

Popular discontent with public schools is another factor for change in the Catholic school population. The authorities estimate that about 10% of pupils no longer come from Catholic homes. Their parents are attracted by the discipline, the devotion of teachers, and stress on learning and involvement of pupils. The standard of education is set nationally, but naturally varies with the hinterland on which individual schools draw. Classes tend to be large, but have decreased somewhat with the shrinkage of intake; but there are signs of reinvestment and increased demand, partly helped by the establishment of kindergartens as feeder schools. Catholic lay teachers are increasingly inclined to assert their professional rights against direction by church authorities, and have recently challenged in court the refusal of their right to strike. It is noteworthy that the Supreme Court eventually ruled that Catholic schools are part of the Church and teachers have no separate existence in matters of labour relations.

For a recent survey, see *US Catholic Elementary and Secondary Schools 1982-83* by Frank H. Bredeweg, CSB, obtainable from NCEA.

(d) The *National Association of Independent Schools* (NAIS) with headquarters in Boston represents at national level more than 900 schools with over 300,000 pupils which for the most part fall into what is termed the 'high-tuition' bracket – i.e. they are expensive and therefore potentially exclusive by reason of cost. These schools are the nearest equivalent in the US to the British boys and girls 'public schools'; and NAIS doubles the role of the British Independent Schools Joint Council along with that of the Independent Schools Information Service and of the separate associations of Headmasters, Headmistresses, Governors and Bursars, though its range of activities extends further, into curriculum studies, teacher training research, and book publication.

NAIS schools are all non-profit-making, tax-exempt organisations, must be entirely non-discriminating in respect of race and religion, are governed by a board of trustees, are financially independent and have approval from one of the accepted accreditation programmes. They are described as independent, as opposed to the more normal adjective 'private', to distinguish them from schools run for profit or controlled by a church or other religious body. They include both elementary, secondary and all-through schools. The demand for boarding has grown rapidly since 1977, and more than 200 of them are wholly or partly boarding schools; the majority are co-educational but there are now signs of some swing back to a preference for the single-sex pattern for day schools. In size they range from 30 to 3700 pupils, with an average of about 400. The NAIS roll includes both internationally famous 'prep' schools like Phillips Andover and Exeter, Groton, the Hill and Choate, which are very expensive and sought-after both for the quality of their academic and extra-curricular education and the status it gives, and many less well known establishments, some of which are experimental and different. Some schools have local religious affiliations like English public schools, but most are not so characterised.

Fees are normally some three times or so more than those of, for example, Catholic schools and the average charges in 1982 were reported as $4725 for day pupils and $7600 for boarders. Those of the top schools are well above the mean, even allowing for inflation since 1982. Nevertheless, NAIS reported an increase in numbers of 6.7% from 1977 to 1982, and this has continued since, despite the decrease in the total school population.

NAIS schools, being self-supporting, unlike many confessional private schools, have become experts in fund raising from alumni, parents, well wishers, corporations and groups. A report on voluntary giving for 1981-82 commissioned by NAIS shows that 10% of the income of a large representative group of 378 schools came from donations, three-quarters given by individuals and almost a half from other than alumni (old boys). Separate funds are raised for capital expenditure and for aid to students or their parents. Yearly totals vary with the size of school but an average is about $2m. Albuquerque Academy in New Mexico outpaced all competitors with over $23m. Many schools use very considerable scholarship and bursary funds to recruit talented pupils from disadvantaged and low income homes, and at Phillips Andover, which raised almost $5m in 1981/82, almost a quarter of the intake is recruited in this way. More recently schools have developed funds for loans to students and parents on the university pattern, partly from internal revenue and partly from gifts, as a means of widening entry, and there is evidence that in fact the social mixture has widened steadily. In the public system, élite schools of high quality, depending on residential qualifications, are now less available to all classes of society than are the best private schools.

NAIS maintains a full-time director in Boston with 15 executive staff in a well equipped office, and maintains a liaison officer in Washington with links to the Treasury, the Internal Revenue Service and other departments apart from Education. The offices serve not only the board of directors but a number of specialist committees which formulate policy and are responsible for advice and research which reflects the wide interests served by NAIS. The Committee on Boarding Schools publishes a directory. Another is concerned with helping minorities, a third with a handbook for International Students. The Commission for Educational Issues is responsible under Dr Ted Sizer, former Head of Phillips Andover and Dean of Education in Harvard, for an investigation of both public and private secondary education entitled *A Study of High Schools*, which is shared with the National Association of Secondary School Principals and makes proposals for sweeping reforms. NAIS also publishes a quarterly journal and books on curricula and other topics, and its publicity director makes use of the media in support of private education. It spawned the separate Elementary School Heads Association in 1973, and there are associated regional organisations of NAIS schools at state level which collaborate with the wider state groups associated with CAPE.

NAIS is funded by a per capita levy depending on pupils numbers paid by each member school. Its influence is quite disproportionate to its size in relation to the private sector as a whole, though in political terms the Catholic lobby is by far the most influential.

(e) *Church affiliated* groups other than the Catholic majority may be classified under two main headings:

(1) *Denominational School Associations* or Boards of Education for established churches and religions, viz. Baptist, Calvinist, Eastern Orthodox, Episcopal, Friends, Jewish, Lutheran, Methodist, Presbyterian and Seventh Day Adventist. These groups exercise varying degrees of control over educational policy, administration and finance of member schools. Many schools of this type, but not all, showed a notable increase in members between 1965 and 1975 and a slow but steady growth since then, in part at least for the same reasons which promoted the mushrooming of schools in the following category.

(2) *Fundamentalist Christian Schools*. Associated with what is called 'the moral majority', these schools have multiplied rapidly since the early 60s when a Supreme Court decision ruled against prayers and bible teaching in public schools. Their supporters are mostly dogmatic Evangelical Christians with stern views of duty and of the quality of truly Christian life who wish to stay clear of the values of contemporary society and of evolutionary biology, and of what they see as a drug and sex culture; many refuse any kind of control by federal or state authorities. The quality of education afforded varies very widely from sound, conventionally academic instruction to improvised or individualised courses given in makeshift premises by untrained amateur teachers relying on correspondence courses. Though many remain independent, the greater number belong to one of three main associations. These are:

(a) The Association of Christian Schools International, led by Paul Kienel, with headquarters at Whittier, California, which is the most broadly based. It claimed 1482 schools and 284,001 pupils in the US and Canada in 1980/82, is moderate in attitude to belief, enforces strict dress codes and discipline, and has good academic standards.

(b) The American Association of Christian Schools, with headquarters in Illinois, again strongly fundamentalist, sets good standards generally, and has much improved in-service training for teachers.

(c) Accelerated Christian Education Incorporated, run as a commercial venture by the Rev Donald Howard, a former Marine, from Dallas, Texas, is much the most extreme in attitude and blatantly 'American', and the weakest educationally. It operates by supplying what is virtually a kit for establishing a fundamentalist school for the use of unqualified pastors or parents, and processed learning material in all subjects and at all grades for individual student programmes, so that even a 'school' for 20 or 30 pupils from kindergarten to grade 12 can receive a kind of education. Pupils lack the stimulus of classwork and discussion under a trained teacher, do little if any practical science, write no essays and are without extra curricular activities. The whole approach is passive, aimed at rote-learning and open to indoctrination of the worst kind. School authorities must sign a binding agreement with ACE and attend a five day course before a school is established. Some 5000 schools in the US and Canada are said to belong; but some at least, once established, go on to a more normal pattern of education, and some of the larger schools provide a sound if blinkered education.

There is also a considerable educational press affiliated with these groups (see Canada para 6(c)).

A recent estimate suggests that there are some 1m pupils in fundamentalist schools and that these vary in size from 20-2000 pupils. They are restrictive in entry and demand parental commitment to their principles, and have occasionally been accused of racialism in the South. In none of the three types of school is there a welcome for teachers or pupils who hold different views from the received dogma or any acceptance of the value of a mixed community in which there is a variety of approach to academic, religious and social theory.

9. **The status and future of the private sector**

Despite limitations imposed by judges' rulings on the constitutional separation of church and state, the desirability of a private sector in education to ensure variety, competition and freedom of parental choice is generally accepted and beyond real question. The consensus on principles is well illustrated in the Foreword to the Illinois Board of Education's *Policies and Guidelines for Registration and Recognition of Non Public Elementary and Secondary Schools* in the following terms: 'The primary obligation for the education of the child belongs to the parents. The state derives its right to provide education to the extent that the state acts for the parents'.

It will be clear from the section on state relations with the private sectors that there are differences in practice over both regulation of and assistance for private schools; and that some private school organisations, notably the fundamentalist ones, are unwilling to acknowledge the right of local or federal government to any kind of control. The Catholic schools on the other hand are amongst the strongest supporters of proposals for federal and state financial aid for private schools on the argument that without it true equality of opportunity to choose is denied to all but the well off and privileged. Although no more than a quarter of Catholic families use private Catholic as opposed to public non-confessional schools, the Catholic vote and voice give great strength to the attempts which have marked the seventies and been increased in the eighties to promote federal legislation in favour of public subsidy in one or other form. They have resulted in sporadic legislation at state level to diminish the unfairness by which parents who use private schools pay both fees and local property taxes for state education.

The NAIS has until recently been officially opposed to government aid by subsidy or tax relief because of fears of interference and loss of independence of the kind which has caused complaint in private universities which receive large sums for government research; but pressure from members has caused a reversal of attitude and greater willingness to explore the various possibilities under discussion.

At the same time, the sturdy independence and entrepreneurship which is native to the American character is evidenced in the success of many schools and organisations in the private sector in raising funds for capital purposes and for the provision of scholarship and bursaries to offset the exclusion of those whose parents cannot afford full or any fees – something which is, as was noted in section 8(d), particularly marked in the 'high-tuition' schools of NAIS.

Opposition to the private sector is centred mainly in the supporters of the public system, notably amongst school superintendents and administrators in deprived areas and in the powerful teachers' union, the National Education Association. They argue that it weakens the public provision, draws off able teachers and works against the homogenisation of society which was the original virtue of the American comprehensive school. The charge of élitism, though sometimes aimed at the 'high-tuition' schools, is largely discounted by the preponderance of church schools which cater for relatively low-income families, sometimes with federal aid. The argument for pluralism and variety, always supported by the constitution, has clearly won the day, as is confirmed by the reactions of the general public recorded in opinion polls and by the media. It has been strengthened by increasing parental discontent with the environmental disparities which make the public system no less 'élitist' and indeed even more so at times than the private sector, and with the materialist culture, lack of discipline and teacher involvement which have been no less marked in the US than in public systems in Europe in the last decades. In a Gallup poll in 1982, 45% of parents with children in public schools said they would prefer a private school if tuition were free, for the reasons outlined above.

The private sector is clearly under no kind of threat, and its expanding numbers at a time of population shrinkage are witness to its vitality, just as are the different sections within it to the diversity of its appeal. Its further development depends on the outcome of the debate about the desirability and the best way of achieving public support for greater equality of opportunity in choice of school. As will appear from the following account of the different proposals under discussion, American educationalists are encouraged by systems of subsidy in force abroad and notably in Australia (despite some recent retrenchment there) to believe that direct or indirect financial aid from government funds does not infringe the constitutional separation of church and state, and point to the fact that private schools already receive indirect subsidies from federal, state and local funds without undue loss of independence. Nevertheless they recognise that financial aid implies some surrender of independence beyond the minimum of state regulation necessary for the protection of public and individual health and safety. It seems quite likely that within the next decade or so, some arrangement will have been reached for parental relief by tax credits and/or tax deduction or, less probably, by a voucher system which will make the private sector more available to the less well off, and that this will involve the acceptance of a modified concept of private education as a more integral, even para-statal part of the national system of education. Nevertheless, it is to be expected that many of the more fundamentalist Christian schools will stand aside and continue to refuse even minimal cooperation with government; and administrators will have much to do to frame regulations which preserve the

autonomy and individuality of the different types of school while ensuring the fair use of public funds, and insisting on minimum standards.

It remains to look in more detail at the proposals for aid now under discussion.

10. **Tax-credits and vouchers**

Over the last decade or more both politicians and educationalists have been canvassing two main methods by which more state funds might be diverted to private schools over and above the indirect subsidies through federal programmes, tax relief and the provision of services for schools and parents described in sections 6 and 7 above. Senator Moynihan, a prominent Catholic, has long been a champion of tax-deductions, and in 1979, after previous vain attempts, he sponsored, with Senator Packwood, a Tuition Tax-Credit Act which allowed credits from taxable income of 50% of tuition fees up to $500, with refunds for those not liable to tax or paying only partial taxes. Both political parties had included something of the kind in their manifestos in the previous years to meet the aspirations of middle-class Americans, and the bill was supported not merely by the Catholic Church but by Lutherans, Jews and Baptists as well; and Moynihan argued that there was ample legal precedent for aid to private schools in the direct subsidies already referred to. The bill failed to pass, partly because of opposition from the NEA and administrators in the public system, partly because of the ambivalence of the Supreme Court's views on the relation of church and state, with reference to private schools, but mainly because governments shied away from decisive action. It was one of a number of similar bills affecting either higher or elementary and secondary education or both, all of which failed. The Reagan administration, with some involvement with the Moral Majority to spur it on, introduced another bill in 1982 which again did not pass Congress. This was followed up in 1983 by a new bill affecting private schools only, which offered credits of $100 in 1983 increasing to $300 in 1985 to families with incomes of less than $40,000 per annum and partial credits to the better off. This bill also failed to pass Congress. It was rejected before reaching the Senate.

The constitutional and legal implications of such a bill have given rise to an extensive literature which is well summarised by Donald N. Jenson in the most recent and complete account of the advantages and disadvantages of subsidy by tax-credit to private schools (*Public Dollars for Private Schools, the Case of Tuition Tax Credits* by Thomas James and Henry M. Lewis of Stanford University, Temple University Press, Philadelphia, 1983). The essays in the book were originally given as papers at a Seminar held in Stanford in 1981 under the auspices of the National Institute of Education. It is still not certain whether a Tax-Credit act would pass Supreme Court scrutiny, since it has ruled against earlier legislation of the same kind by individual states; but some lawyers hold it to be very likely that the court would see less objection to a federal programme, despite its adhesion to the three criteria of the Lemon opinion of 1971 by which such a law, to be constitutional, must (1) have a secular purpose, (2) have a primary effect which neither advances nor inhibits religions, and (3) does not lead to excessive entanglement of church and state.

Some encouragement to the proponents of credits came recently in a Supreme Court judgement (Mueller and Noyes v. Allen, Jn. 29, 1983) on a Minnesota law which allows tax payers to deduct expenses incurred in providing education for tuition, text books or transportation up to $500 at elementary and $700 at

secondary level. The Court held by a majority of 5 to 4 that the law satisfied the Lemon criteria, since the deductions were available to all parents including those attending public schools and non-sectarian private schools and because (an important pointer for the English situation) the aid is disbursed to parents rather than schools. The minority reports upheld the old arguments based on the first amendment.

Though the legal dispute and the arguments about the effect of aid both on the public and private schools is not over, many experienced educationalists believe that the principle involved of the desirability of aid in some form is well on the way to acceptance. The distinction between a tax deduction and a tax credit is that a credit is granted after the final tax sum has been decided, while a deduction is made before. Lawyers see advantages in deductions but think the Minnesota judgement would have upheld credits also. A very real objection to proposals so far made at both federal and state level is that the aid offered has been too small to do much for equality of opportunity, and is mainly a sop to the middle classes. Their appeal is primarily the relief they would afford from the double burden of fees and contributions via property tax to state education.

Voucher Schemes

In theory at least some form of educational vouchers, also much canvassed in the last twenty years, offers better hope of genuine aid to the disadvantaged and the promotion of social equality, though in practice voucher systems no less than tax-credits are open to serious objections. The essence of all voucher programmes, whether restricted to the public sector or extended to both public and private schools, is to give parents the final choice of school by handing over to them from state funds some or all of the cost of education instead of directing public money to the institutions themselves, on the assumption that the standard of education and opportunity would improve. Many varieties of scheme have been proposed and discussed in recent years in the US, some designed to give special help to the disadvantaged and socially deprived members of the community. In the mid-seventies a practical experiment in a small sector of the public system in Alum Rock in California demonstrated, against great opposition from teachers unions and officials, that even in an underprivileged, largely Spanish speaking community, parents exercised sensible choices between a variety of different programmes in schools. (For an account of this experiment, see *Peter Mason, Educational Vouchers under Test*, in Oxford Review of Education Vol. 1 No. 2 1975 pp. 159-67.) A further experiment on a larger scale in New Hampshire involving both public and private schools was abandoned mainly because of teachers' opposition. Distinguished economists like Milton Friedman and educationalists like Christopher Jencks have argued forcibly for vouchers on both educational and social grounds. Public interest remains strong and is supported by parents and private school associations, especially in California. The recent proposal of the Federal Secretary of State for Education to 'voucherise' Chapter 1 grants for the disadvantaged under the National Education Act and so transfer aid directly to the beneficiaries is an indication of the degree of support for vouchers; and if carried through this measure would in fact open the way to state schemes of the kind proposed for example in California with the support of the Catholic Church and CAPSO, the umbrella organisation of private schools.

The best account of the theory and practice of vouchers is to be found in *Education by Choice, the Case for Family control* (University of California Press, Berkeley, 1978) by two professors of law at Berkeley, John Coons and Stephen

Sugarman, who were for a long time key figures in the promotion of a voucher plan in California. This has now been replaced, with Catholic support, by a scheme which would entitle every child of elementary and secondary school age to a voucher worth at least $2000, usable at both public and private schools. In the state system parents are to be free to go outside their zoned district and private schools must satisfy state and local requirements about curriculum, employment, administration and plant. Private schools may not discriminate by race but otherwise may settle their own terms of admission. Vouchers are to be set at the cost of education in the equivalent state schools (said to be about 90% of the average private school fee) and of equal value for all, except for the physically or mentally handicapped; and for the protection of lower income families private schools must establish an Educational Trust Fund in each year when its fees and charges exceed the value of the voucher and pay into it 10% of the value of each voucher redeemed. If not used to help the less well off in any year, this money goes back to the state. For this scheme to become a proposal for legislation 850,000 registered voters must first sign a petition to qualify the California School Voucher Act for a ballot across the state.

The Democratic party in Minnesota (of which Humphrey was and Mondale is a member) has a proposal for a bill to provide vouchers to low-income parents with children at either public or private schools, which is in accordance with a long tradition of social experiment and progressive government in the state; and there are movements of a similar kind elsewhere.

The arguments which militate against voucher schemes include the inevitability of administrative confusion at least during the establishment of a scheme, and the belief that the public sector would deteriorate even more markedly, to the detriment of the disadvantaged. These are offset by the failure to date of attempts to reform and improve standards in the public schools – for example by the Education Reform Act in California, and by federal suggestions for merit pay for teachers, so that many informed observers see the likelihood of increasing interest in vouchers in the next decade. They appeal intrinsically to the prevailing spirit of individualism and personal enterprise in American society and would be to many a welcome increase in the autonomy of the individual and a restraint of bureaucratic domination of daily life. The annual Gallup Poll on the public system showed 51% of a national sample of parents in favour of vouchers in 1983 as against 31% in 1971.

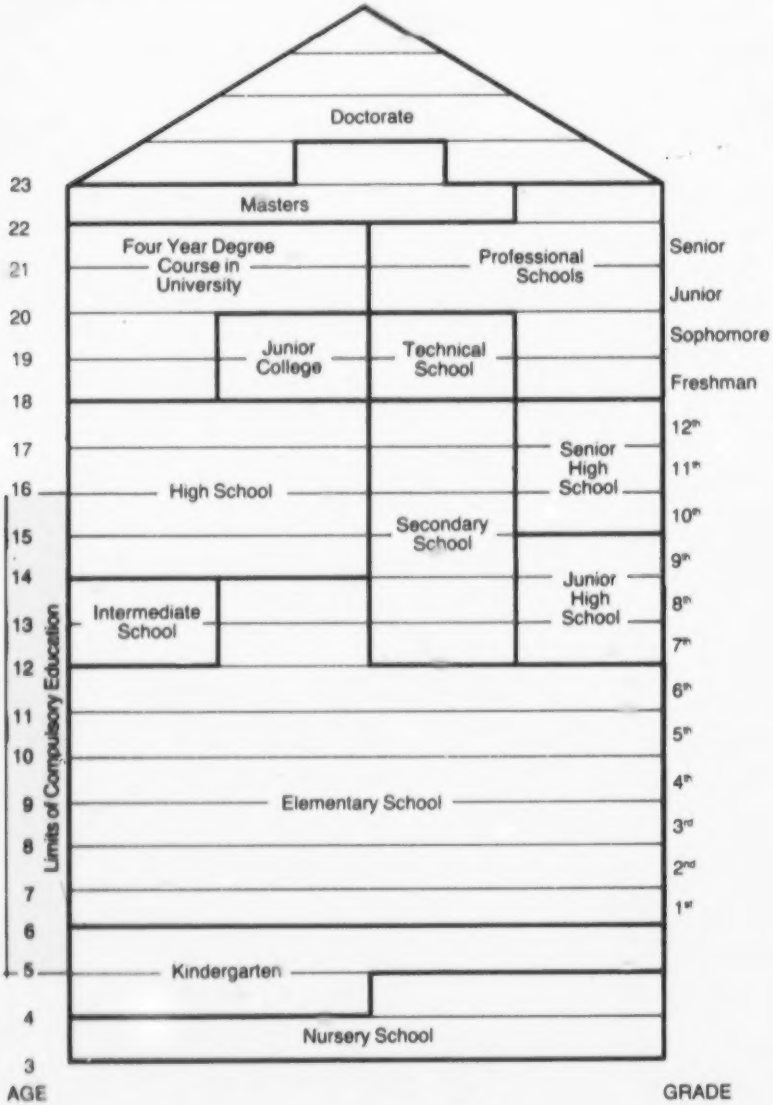
11. Conclusion

Private education in the US is an accepted institution, but cannot yet be described as integrated in a national system of education. Its strength lies in its appeal to the natural preference for individual choice and enterprise which marks American society and it is felt to help to promote a genuinely pluralistic society in which different beliefs and ways of life can flourish without loss of coherence and common purpose. The variety within the private sector and in particular the fact that almost 85% of private pupils attend confessional schools and come from very varied social backgrounds protects it from the charges of élitism which might be directed against the famous 'prep' schools in membership of NAIS; and the success of private schools in raising funds for scholarships and bursaries as well as for capital purposes is evidence that they are aware of the need to serve all sections of society. Furthermore the private sector's supporters, and especially the Catholic and other main denominational schools, have considerable voting strength and influence both at state and federal level.

While it is clear that a further widening of intake in social terms cannot be achieved without government funding, and that this would involve some compromise over autonomy which would be at present unacceptable at least to the growing number of fundamentalist Christian schools, there are signs in the US, as in Canada, that the two systems are beginning to think of collaboration and complementariness rather than outright competition. If a number of states or the federal government should extend the 'hidden' subsidies which at present exist by introducing tax-credits, vouchers or some other scheme and this is accepted as constitutional by the judiciary – as seems increasingly likely to some degree – the process of integration will be much nearer to achievement. It must be remembered, however, that opposition to the diversity and pluralism of such an integrated system or to the present separate private sector is not simply a factor of hostility by supporters of public schools. Alongside American individualism is another, strong instinct which has grown out of the long struggle to assimilate divergent ethnic and social groups into a single American society, which was the guiding purpose and the achievement of the 'common-school', whatever its present unpopularity and decline. Though the public sense that times and needs have changed, this is not to be disregarded in assessing the future of American education and explains why some educationists and politicians argue for diversifying the public system rather than increasing support to private schools – contrary to the policy of the Reagan government, which is actively promoting increased support for independent schools and greater cooperation between the two sectors.

APPENDIX I (US)

Educational structure in the United States



APPENDIX 2 (US)

Private School Organisations

The Council for American Private Education (CAPE)
1625 Eye St., N.W.
Washington DC 20006
Tel: (202) 659 0016

CAPE is an umbrella organisation representing the following:

The American Lutheran Church, American Montessori Society, Association of Military Colleges and Schools of the US, Christian Schools International, Friends Council on Education, Lutheran Church, National Association of Episcopal Schools, National Association of Independent Schools, National Association of Private Schools for Exceptional Children, National Catholic Educational Association, National Society of Hebrew Day Schools, Seventh-day Adventist Board of Education, Solomon Schlechter Day School Association, and the US Catholic Conference. CAPE has associated state institutions in 23 states.

Some 9 other organisations not in membership include the Association of Waldorf Schools of North America, the Mennonite Board of Education and, for the Evangelical Christian Schools, the Association of Christian Schools International and the American Association of Christian Schools. For details see Section 8 of the main text. There are many others at State level.

The National Association of Independent Schools (NAIS)
18 Tremont St.
Boston, Massachusetts 02108
Tel: (617) 723 6900

NAIS is nearest in membership to the Associations which form the British Independent Schools Joint Council.

The United States Catholic Conference
Department of Education
1312 Massachusetts Avenue N.W.
Washington DC 20005
Tel: (202) 659 6718

The Conference co-ordinates all types of Catholic School.

More detailed information and addresses not listed above may be obtained from the author by request.

Private Education in Canada

1. National background

The control and administration of education in Canada rests with the ten provinces and two territories* which make up the federal system. There is no federal ministry of education, although the Educational Support Branch in the Federal Secretary of State's Department is responsible for a small number of federal schools (for service men and for Indians). It also exercises some, mostly indirect, influence over secondary education by way of federally funded special programmes mainly designed to assist vocational education and French language instruction. Legislation at provincial level follows a common pattern largely based on that of Ontario, which was first in the field; but it shows considerable variation of detail both in patterns of organisation and in provision of freedom of choice in education on confessional or other grounds. For details see section 4 below.

The administration of public elementary and secondary education is delegated via counties, zones, districts of municipalities to School Boards, generally similar to those in the US. These are financed by a combination of provincial funds (on average 65%) and local property taxes. Most of their members are elected on educational rather than party tickets. The boards have powers of investment, can own property and hire and fire teachers and other employees, subject to provincial legislation. Compulsory education begins in six provinces and territories at 6, at 5 in five provinces and territories, at 7 in Quebec, and in Prince Edward Island at 8. Most children spend eight years at elementary school and then transfer to three, four or five years at high school, but others move on in the seventh year either to three years of junior high school followed by two or three years of senior high school or to four to six years in a combined junior-senior high school, as is shown in the diagram at appendix 1. There are also trade schools at all three levels of education.

The curriculum of and examinations for public schools are in general laid down by the provincial authorities and are not without variety. In these matters, though not in social purpose, Canadian secondary schools follow their American neighbours and offer a wide choice of 'electives' tested by continuous assessment and multiple choice tests, on which credits are awarded for graduation and for honours graduation diplomas leading on to university education. Trade, technical and business courses prepare for employment and non-university higher education.

There have been experiments in some provinces, notably Ontario and Alberta, with the provision of 'alternative' schools within the public system as a means of offering different styles of education or providing for minorities with special linguistic or other needs, but these have not so far been noticeably successful or popular.

Teacher training and certification is also regulated at provincial level. Teachers in the public schools are well motivated and mostly highly paid. The overall quality of education is high, despite increasing criticism of public schools in the last ten years or so of a kind familiar in Europe. It is mainly concerned with lack of disciplined hard-learning and a secular attitude to society; but again, as in other countries, schools vary in success and esteem in accordance with the nature of their catchment areas and the wealth and aspirations of parents. For example, the Oakville district of Ontario is both densely populated and prosperous and supports many private schools as well as a good public system.

In Quebec and New Brunswick, originally settled in part from France, provincial

*Constitutional responsibility, however, still lies with the Federal Government in the case of the territories.

legislation has been designed to secure at least parity for the French language, and more recently in Quebec province its supremacy, at the cost of some discimination against English-based schools. Canada is officially bilingual at the federal level, and the Liberal government in Ottawa under Pierre Trudeau's leadership encouraged the establishment of French alongside English as an official language in certain other provinces, despite some opposition where French speakers are in a minority – a policy which imposes a considerable burden on schools and universities, since it calls for fluency in both languages not only from officials but from workers of many kinds.

There is of course some support in French-speaking areas for the secession of Quebec from the confederation, and the establishment of a separate francophone republic is advocated by the left-wing Parti Québecois, but the advantages of remaining inside Canada seem likely to prevail.

Modern Canada is a very open community which has until recently welcomed immigrants of all colours and creeds and has sizeable minorities to absorb over and above its traditional English, French, Indian and Inuit communities. Almost 2¼ million immigrants entered Canada, mainly from Europe, between 1951 and 1966; and in 1961 there were only about 44% of Canadians of British descent and 30% of French origin, with others amounting to 26%. Culturally French-Canadian society is close, intimate and in typically French fashion devoted to logic, form and good living, while the English-speaking pattern is more informal, tolerant and materially oriented, and less cohesive or closely linked with English culture.

Canada's material culture shows all the technological modernity which is typical of North America, and, though there is a considerable 'working-class' element in the population, the ambitions and way of life of the majority give Canadian society a comfortable middle-class pattern in which there is a fair consensus of ideas, extreme views are rare and there is comparatively little envy of success. Punks and skinheads are virtually unknown and aggressive behaviour unusual in a community which seems naturally friendly and well-disposed and which encourages a wide diversity of views in religion and tolerance of racial differences. At the same time it retains in its upper reaches an almost nineteenth century respect for some traditional elements of white anglo-saxon culture, which are particularly fostered by the education provided in some of the highly-thought-of private schools which are modelled on English lines.

2. The historical development of Canadian education

In the early colonial stage, both before and after the Treaty of Paris in 1763, under which France surrendered her North American possessions to Britain, education was, as in the American colonies, left to the church authorities. In fact the first private school in Canada was found by the Jesuits in 1635. After 1763 the numbers of private schools catering for the better off increased steadily, though there was scant provision for the lower orders, and in the first half of the nineteenth century some private schools received state aid alongside the first public schools. Even in the 1850s private school pupils in Montreal outnumbered those attending public schools by four to one, but their relative importance declined rapidly thereafter as public education became universal. The problem of denominational education, and in particular that of the Catholic community, was handled differently from the US, where Catholic claims for recognition and subsidy resulted in the first Amendment to the Constitution by which church and state were clearly separated, and religious

teaching barred from public schools – with the result that Catholic schools are entirely in the private sector. In Canada education and religion were regarded as inseparable, and since the State was felt to have a duty to foster the relationship of church and state, bible reading was all along a recognised part of the curriculum and has remained so in the public schools despite attack from Jewish and other teachers. Freechurchmen and Catholics continued to oppose control of the educational system by the Anglican church, and claimed the right to establish 'separate schools' under the provisions of the 1841 Act of Union. In a different context, schools for divergent ethnic or linguistic groups became an accepted part of the educational scene. Ontario led the way with a 'Separate School Bill' for Catholics in 1863, and under the British North America Act of 1867 (now the Constitution Act) the Confederation delegated to each province the making of laws of education for its territory, subject to the right of Roman Catholics and Protestants to set up denominational schools in Quebec and Ontario respectively. The same provision was to apply in other provinces where such schools already existed or were subsequently set up by law when Nova Scotia, New Brunswick and Upper and Lower Canada were united as the Dominion of Canada. The result is that to-day five provinces have 'separate' aided Catholic systems while others have developed a variety of other ways to foster denominational education. No special provision was made for denominational differences within the Protestant group, with the result that many of the churches such as the Baptists and ethnic groups like the Mennonites established independent schools and opted out of the public system. This tendency has increased in recent decades as the public schools have become increasingly secularised and society more pluralistic, and there has been a specially marked increase in the numbers of fundamentalist Christian schools.

Attitudes to and regulations for the control of and aid for independent schools vary from province to province and are described below (Section 4).

The so-called 'élite' schools modelled on the English 'public' school and grammar school pattern have survived as a small (15%) but influential part of the independent sector and like the sector as a whole have increased in strength in the 1970s and '80s, despite a decrease in the size of the school population which has affected public schools. (See Section 5, Statistics.)

3. **The legal and constitutional position of the private sector**

(a) *At Federal level*

There is nothing in the various Canada acts passed by the Westminster parliament or in federal legislation of a constitutional kind which concerns the right of parental choice of school or of establishing and conducting a private school. Since 1952 Canada has had a Charter of Rights and Freedoms as part of its constitution so that there is recourse for complainants to the courts, except in Quebec, which has exempted its legislation from the Charter. Educational legislation is the duty of the ten separate provinces, but the provision in section 93 of the British North America Act (now Constitution Act) for separate education for Protestants in predominantly Catholic areas and for Catholics in Protestant areas (for which see para. 2 above) lays certain restrictions on some provincial legislation, which are set out in detail in the separate accounts of the provinces below. There is some movement for putting a test case to the Supreme Court so as to obtain a decision on the extent to which the Charter of Rights overrides provincial legislation. At provincial level, in a recent case, Regina v. Wiebe, the Alberta court ruled that Mennonite parents were not bound by the compulsory attendance rules of the province because to do so

infringed their religious beliefs which are protected by the provincial bill of rights.

Federal aid for elementary and secondary education is limited to a few special programmes, mainly designed to assist the spread of the French language, vocational education, and the establishment of a genuinely bilingual society. Private schools are entitled to benefit from these programmes either directly or via the provincial education system, but many of the old-established schools have not applied for them until recently for fear of the imposition of controls as the price of subsidy.

(b) *At provincial level*

Beneath the variety of provincial legislation there is a pattern of common assumptions about the role of education in the Canadian society which has much, though not everything, in common both with the US and Europe; Ontario was the first province to legislate in detail about education and appears to have served to some extent as a model elsewhere. It therefore seems best to give a fairly full account of its legislation about and practice concerning independent schools, including the separate schools in the public system, as an introduction to the patterns of the other authorities.

As an indication of scale, the Ontario department of education is responsible for 4538 public elementary and secondary schools, 429 special schools, 21 degree granting universities and 22 multi-campus colleges of applied arts and technology (1981 figures). Quebec in 1982/3 had 2557 public elementary and secondary schools, 19 universities and 46 Cégeps (further education colleges). Only two provinces, Quebec and Manitoba, have specific Private School acts, while British Columbia has a School Support (Independent) Act (1977). In all provinces there are some private schools, mostly fundamentalist Christian or sectarian, which refuse to comply with statutory requirements.

4. **The separate Provinces**

(a) *ONTARIO*

The Ontario Education Act is Chapter 129 of the Revised Statutes of Ontario. Section 1 para. 40 defines a private school as 'an institution at which instruction is provided at any time between the hours of 9 am and 4 pm on any school day for five or more pupils who are of or over compulsory school age in any of the subjects of the elementary or secondary courses of study and that is not a school (i.e. public school) as defined in this section'.

Section 15.1-9 requires all private schools to submit an annual notice of intention to operate to the Ministry with the details required by the Minister. The head or principal must when and as required furnish statistical information regarding enrolment, staff, courses of study and other information; and the Minister may order supervisory officers to inspect the premises and books. A school with secondary classes can request at its own expense ministerial inspection of curriculum and standards of instruction in subjects leading to provincial graduation diplomas, to ensure their comparability with the state system and obtain their official authorisation. The Minister does not however assess schools in themselves, since this is felt to be a matter between parents and school. The Minister may also, on request, inspect teachers for certification. Section 20.2 lays down that a child receiving satisfactory instruction at home or elsewhere is excused compulsory attendance at public school.

Section 50.1-2 gives parents the right to decide on the kind of religious instruction

a pupil receives and forbids enforced attendance at worship against their wishes.

Section 97.H concerns the 'separate' Catholic school system and the establishment of the zones and separate school boards which in Ontario have administered until now only grades 1-10 in Catholic elementary and secondary schools as the equivalent of public schools. These boards, almost 180 in number, whose members are elected, have the right to receive both property taxes from Roman Catholic parents who so determine and provincial funds up to 95% for capital and running costs. They have full rights of property, can make loans and mortgages and hire and fire teachers and other employees; and as will become clear below they materially though unofficially assist the three top secondary grades in what are at this level officially fully-private Catholic high schools, but which have the same buildings, staff and equipment as the lower, subsidised grades. In June 1984 proposals were recommended for complete funding, including grades 11-13.

Section 137 makes similar provision for 'separate' Protestant school boards in areas where the teachers in public schools are Roman Catholics. There are at present two such boards.

In September 1981 there were 79,217 pupils (4.2% of the total school population) in 479 independent schools, roughly half of which were elementary, a quarter secondary and the rest combined or in some special category. Rather more than half their 6780 teachers were part time and 55.7% were women. By 1983 schools had increased to 514. They enrol almost exactly equal numbers of girls and boys. The Ministry publishes a complete list of schools showing level and type of education, religious affiliation, whether single sex or co-educational and whether boarding or day. The religious denominations are listed as Anglican, Baptist, Canadian Reformed, Jewish, Amish/Mennonite, Non-Sectarian, Ontario Alliance of Christian Schools (fundamentalist), Presbyterian, Roman Catholic, Seventh Day Adventist, United Church and Other. A similar list would apply to other provinces also.

There are in the public system 58 separate Catholic school boards with 1354 schools and 425,706 pupils from grades 1–10. In the public schools as a whole there are only half as many pupils in secondary as in elementary grades.

(b) *NEWFOUNDLAND*

Newfoundland is the only province to have a denominational system of public schools developed from earlier grant aided independent schools. The major Protestant denominations consolidated their schools into a single system in 1964 alongside the Catholic system which is the larger in size, both being centrally administered and publicly funded on the basis of co-operation between government and the governing bodies of the schools. As a result, there is almost no demand for private education, although the Schools Act of 1970 (Sections 68 and 69) allows the establishment of private schools with ministerial permission provided they follow the official course of study, have certificated teachers and adequate premises. According to one source there were only two private schools in 1981, and these were not funded by government because there were other schools in the community where they were.

(c) *ALBERTA*

The 115 private schools in Alberta with some 8620 pupils (about 1.9% of the total school population) are regulated by the Alberta Department of Education Act and since 1967 a number of them have been eligible for financial aid. Indeed Alberta

has come near to creating an integral educational system of both public and private schools, and the private sector has grown steadily from about 3000 pupils in 31 schools in 1930 to its present numbers. Within the public sector there are fully-funded Catholic and Protestant 'separate' schools, as well as experimental alternative schools in Edmonton, Calgary and elsewhere.

Private schools are of four kinds: denominational schools (mostly fundamentalist Christian, Lutheran or Seventh Day Adventist); secular or non-denominational; out-of-school-hours teaching establishments; language schools (nine in all); and schools for the handicapped (10). All private schools require ministerial approval and the Education Act provides penalties for operating a school without it; nevertheless a small number of private institutions knowingly breaks the law. Only non-profit making schools are in fact approved.

The Education Act includes regulations for the conduct of private schools requiring them to keep records of attendance and enrolment, and submit returns as required. The Minister has the powers of inspection, reports of which are published after submission to the governing body of the school, can enforce achievement tests for pupils and sets minimum standards for buildings and facilities.

For purposes of subsidy private schools are divided into four categories, the first of which receives grants amounting to about 45% of their operating costs and the second bills the public system for the cost of time taken. The grants were established specifically to compensate parents paying both local educational taxes and private school fees. The categories are:

(1) schools offering courses approved by the Minister and employing properly certificated teachers;

(2) schools for the handicapped;

(3) language schools operating out of school hours;

(4) schools offering courses approved or prescribed by the Minister, but which are not required to employ teachers with an Alberta teaching certificate. This category was introduced to provide for Mennonite schools following the Regina v. Wiebe case in 1978 (see 3(a) above).

There are no grants for capital purposes.

The Premier of Alberta is reported as being prepared to give a fair wind to an experiment with vouchers.

(d) *MANITOBA*

Manitoba has a long established tradition of private education, which is held to have made and to make a very real impact on education in the province. More recently there has been the usual increase of small fundamentalist Christian schools. Seventy-nine private schools educated 9159 pupils in 1983/4 (4.4% of the school population), in some 18 Catholic schools, five Jewish schools, and 20 Mennonite ones. There is no 'separate' Catholic school system in the public sector though in many districts public schools are virtually Catholic separate schools because of population. Schools which fulfil the legal criteria receive an annual grant of $510, which includes $30 textbook grant.

Under the Education Administration Act of 29th July, 1980, a private school is defined as any school other than a public school which provides a curriculum and a standard of education equivalent to that provided by the public schools, but does not include a home. Under Part IV a school board may with the Minister's permission provide private pupils with seats on public school buses, and arrange

other facilities, e.g. home economics courses. For grant purposes schools must teach approved courses at the equivalent standard to public schools and teachers must have approved teaching certificates. The Minister appoints a liaison officer who visits schools and assesses their performance. Attendance at a private school is acceptable under Section 26, and private schools must report truancy.

Schools are not specifically required to register with the Ministry, but must supply regular information. Twenty-five small church-based schools do not have qualified teachers and use ACE or equivalent American programmes.

Public opinion is divided about further financial support and a public school teachers' organisation advocates its withdrawal. Government policy on the whole reflects the balance of public opinion.

(e) *QUEBEC*

The traditions and culture of Quebec province stem from the French colonial era, and its education system has strong affinities with its French counterpart. The majority of Québecois are French-speaking and Catholic and the public system is a dual denominational one. Only 31 of the 247 'commissions scolaires' (= school boards) are Protestant, and four are multi-confessional ones. Just over a million pupils in nursery, primary and secondary schools have instruction in French against roughly 148,000 in English. Property taxes are divided pro rata between Protestant and Catholic boards responsible for public schools, but receipts are limited to 6% of a board's normal outgoings. Secondary education is divided into 'enseignement général et professionnel' (vocational). The language question is a burning issue and the government's policy is to change from a denominational to a language basis of organisation.

The private sector at nursery, primary and secondary level has grown steadily and in 1983 numbered 91,813 pupils, with 132,898 at non-university colleges, making about 8.2% of the combined total; and the comparatively high proportion of private pupils is largely to be explained by the existence of some 180 French language schools, mainly confessional, with some 80,000 pupils, which are designed to keep them out of the public system. There are also 24 English-medium schools, and denominational schools including Jewish as well as Christian ones. Fundamentalist schools are comparatively rare in Quebec, but Jewish schools have increased markedly. The estimated total of private pupils in 1983/4 is 94,160. Quebec legislation is notable for the protection given to freedom of parental choice. The Education Department Act of 1964 states that: 'parents have the right to choose the institutions which, according to their convictions, ensure the greatest respect for the rights of their children.... persons and groups are entitled to establish autonomous educational institutions and, subject to the requirements of the common welfare, to **avail themselves of the administrative and financial means** necessary for the pursuit of their ends'. On the other hand the Minister exercises, through the immensely detailed Private Education Act of July 1968, revised in 1980 as Chapter E9 of the Code, strict and far reaching control over all aspects of private education with the aid of the 'Private Education Advisory Committee'. This consists of ministerial nominees, at least six of whom are appointed after consultation with private school organisations.

The law sets out the duties and constitution of the Advisory Committee and the requirements for the permit all private schools must obtain year by year, the system of financial subsidy for certain categories, and regulations applying to the conduct of all types of private school.

Schools which are of high standard and 'contribute to the development of

education in Quebec' may on application be entitled (as in the French proposals of M Savary) 'établissements d'intérêt public' – public utilities. These receive an annual subsidy which in 1984 was $1043 for nursery, $1530 for primary and $2189 for secondary classes, plus a sum based on the rentable value of the premises of from $100-$200 per pupil. HE colleges receive a higher subsidy. Fees to parents must be no higher than 50% of the subsidy.

'Recognised' primary and secondary schools are eligible for lesser grants of $1120 and $1603 respectively plus the property grant and must restrict fees to the total value of grant received. Higher fees and a reduced subsidy apply to pupils from outside the province.

All schools must give details in their annual return to the Minister of the courses offered, their prospective entry and budget for the following year, fees and extras. Fees may not be increased during a school year without ministerial approval, and publicity is controlled. Almost all subsidized schools are non-profit-making.

'General' secondary schools and colleges must follow government patterns, employ qualified teachers as defined by law and submit pupils to the appropriate public examinations. Similar rules apply to vocational education, to special schools and to correspondence schools. All types of private institution are open to inspection, must keep pupil records in prescribed form, and submit audited accounts. They are entitled to contract for school transport either privately or through the public boards and may be eligible for a subsidy from the Ministry of Transport. Other clauses gave the Minister power to control methods of billing for fees, dividends, salaries and a host of other matters and to prescribe penalties, by ministerial order.

The Directorate General for private education in the Ministry of Education reported in 1983 new arrangements for the control of finance and consideration of the role of private schools in relation to the restructuring of education now in hand, in order to achieve a unified educational system. Once again the undertones of metropolitan French thinking were clearly audible. It seemed valuable to describe in some detail a system in which control and subsidy play so large a part, and illustrate the dilemma involved in the integration of free and public enterprise. There is a strong element of consumer protection in the methods of control as well as a desire to achieve an integrated system. Since the public system under these and other provisions is made up of both Protestant and Catholic schools, the religious issue has been less important in the growth of the private system and its legal status than questions of language and liberty of choice. Under the new law it is now possible for long established private schools to obtain permanent recognition with less rigid controls.

(f) *BRITISH COLUMBIA*

The development of education in British Columbia is unlike that of other provinces. BC became a province in 1871 after the British North America Act (see 2 above) and did not have a 'separate' Catholic sector for its then small Catholic population. An 'Act respecting public schools' of 1872 established the only Canadian unitary secular system of public schools on the American pattern alongside a private system which included Catholics. In the 1950s and 1960s the Catholic authorities asked repeatedly for financial support for private schools, but were opposed by successive 'social-credit' and other governments until 1977 when the social-credit party changed its policy and won an election on a manifesto which included subsidies. The resulting Independent Schools Support Act of 1977 (Bill 33) (up-dated in September 1981 and now entitled School Support (Independent)

Act) inaugurated an original and important experiment in the creation of a dual system of education under which half of the 260 private schools in BC have applied for assistance from public funds.

The rationale of the Bill stated: 'The preservation of our cultural and ethnic mosaic requires a factor of choice to meet special needs and to ensure the provision of equal educational opportunity. The opportunity to choose can only be fully realised through financial support for the factor of choice'.

It laid down that all independent school 'authorities' must, to benefit, be non-profit-making and must provide either primary grades (K-7) or secondary (8-12) or both together. Teachers must either hold a state certificate, or have taught in a public or private school for ten years or be recommended by the independent schools teacher certification committee established by the Act. The Act also established an external evaluation committee and an inspector of independent schools.

Schools which apply for funding are classified into two groups by the inspector as follows:

> Group I. Must show adequate facilities, three years of operation and no promotion of racial superiority, religious intolerance and subversive social action.
>
> Group II. As for Group I, plus a curriculum complying with appropriate ministerial regulations, a pupil assessment system satisfactory to the inspector, acceptance of an external evaluation and the certification of all teachers within five years of recognition.

In 1982/3, 618 pupils in nine schools qualified for grants averaging $263 per pupil in Group I, and 21,858 in 121 Group II schools qualified for grants averaging $954 (9% and 30% of average public school costs respectively). Sixty per cent of the schools were Catholic, 20% other Christian faiths and 20% non-denominational, including Steiner and Montessori schools. The number of funded schools had grown by 29 since 1978. The total of about 29,000 pupils in 1983/4 represented about 5.8% of the school population in 1983/4. There were 251 private schools.

The majority of independent school groups belong to the Federation of Independent Schools Associations (FISA), whose director led the campaign for the Bill. They include the Catholic societies, Mennonites, Lutherans and a variety of other Christian and non-sectarian schools as well as members of the more élitist Canadian Association of Independent Schools. Seventh Day Adventist schools, several dozen church schools using the American ACE curriculum and some others remain outside the FISA group.

The causes which led to the enactment of Bill 33 included an inborn Canadian preference for a 'mosaic' rather than a 'melting pot' society on the American pattern, the growing power of minority groups and the existence of a strong private school lobby in which Catholics were strongly represented, a lack of cohesion in the 'silent majority' and some disenchantment with the public schools. Dr L.W. Downey of the Faculty of Education in the University of British Columbia in Vancouver has traced the process in '*The Anatomy of a Policy Decision – Bill 33, the BC Independent Schools Support Act*' published in February 1982.

The effects of the scheme are in process of evaluation by Dr Donald Erickson of UCLA. Both his and Dr Downey's work will form part of a study (COFIS) which is meant to demonstrate effects of the subsidy programme.

Controversy has continued since 1977, with bitter resentment from some teachers in the public system. The BC Teachers' Federation, to which all public school teachers must belong and which was the chief opponent of the Bill, argues

that the relaxed teacher certification allowed by the Bill is a threat to standards. Others criticise the rights of private schools to choose their pupils. Their case is a combination of egalitarianism and self-interest. A reporter writing in the *Vancouver Sun* in September 1980 described the established schools as 'age-old British bastions of private education' and 'small surviving pockets of the long-lost British Empire', only to be met by counter arguments of a familiar kind. Erickson's interim report notes the greater commitment of teachers and pupils in the private sector, says it has not produced the expected growth (probably because there are no capital subsidies for building) but suggests that the clients of private schools are less satisfied with the response of teachers than before. Others disagree with this latter view. On the political front, the socialist New Democratic Party (NDP), which strongly opposed the proposed Bill but abstained on the second reading, has now committed itself to maintaining the Act at current funding levels if it ever becomes the government. There seems every hope that the scheme will be continued and that the funding will increase, but much will depend on economics.

(g) *NOVA SCOTIA*

Regulations under the Education Act of 1976 allow children of school age to receive education outside the public system if an inspector of schools certifies that he or she will receive equivalent instruction. Neither the Act nor the regulations mention any parental right to choose a private school. There are some 22 private schools with about 1500 pupils, representing about 1% of the school population. These include a majority of fundamentalist schools using ACE and similar curricula, independent Baptist schools, several non-denominational schools including the Halifax Ladies College and the Halifax Grammar School, a farm school and a Catholic convent school. They are not required to report to the provincial department of education, and make their own decisions about staff qualification and curriculum. Financial aid is limited at both secondary and elementary level to the supply of text books for students attending schools which adhere fairly closely to the provincial curriculum. Pupils do not qualify for provincial certification.

Catholic schools in general are fully integrated into the public system and do not have separate boards or receive separate taxes. Religious instruction is given and pupils include non-Catholics.

(h) *SASKATCHEWAN*

Saskatchewan includes Protestant and Catholic separate schools in its public system, but until 1960 all Catholic high schools were private. Under an Act of 1979 (Regulation 179/83) private secondary schools which follow official curricula are open to inspection and have been in existence for more than five years may be given grant-aid roughly equivalent to 55% of the cost per pupil in a public school ($1546 in 1983) and a contribution of 10% of the cost of capital works. Eleven secondary schools received grants in 1981. Private school pupils were 1.3% of the school population in 1983/4.

(i) *PRINCE EDWARD ISLAND*

There are no public kindergarten classes before compulsory school age at eight, and private schools fill the gap. Under the School Act of 1974, attendance at a private elementary or secondary school is acceptable provided efficient instruction is guaranteed by inspection. There is only one private school, where pupils are provided with free text books by the state; but there is no other subsidy or specific regulation. Only 0.2% attend private schools.

(j) *NEW BRUNSWICK*

Kindergarten classes up to age seven are private, and there is no provision for 'separate' schools. There is no mention of private education in the 1972 School Act, nor any funding of private schools, but some have been established by private acts of legislation. They accounted for 0.7% of the school population in 1983/4.

(k) *NW TERRITORIES AND THE YUKON*

The Ordinance Respecting Education for the Northwest Territories (Chapter 2, 1977) allows for the establishment of 'separate' school boards and the establishment of authorised private schools.

In the Yukon, there is no reference to private education in the School Ordinance (Chapter 14, 1974) and the public system comprises mainly Catholic and mainly Protestant local schools.

For a summary of these provisions, see Appendix 2.

5. **Statistics**

(a) *Schools and Pupils*

Official statistics put the proportion of the school secondary and elementary population of 4,922,709 in private schools as 4.6% (228,740) in 1983/4, a figure which is very similar to that prevailing in 1930-65. Enrolment in private schools showed a sharp decline in the '60s, especially in Quebec, and in 1970 the total enrolment was 142,600. The steady increase which began in the early 1970s is chiefly due to the upsurge of sectarian, mainly fundamentalist Christian schools which are often allied with and similar to those in the US. These schools have been especially noticeable in the Western provinces, Manitoba, Saskatchewan and Alberta, and to a lesser extent in New Brunswick. In 1980-81 the estimated total of private schools was 878, and has almost certainly now topped the thousand mark. The latest report suggests that the rate of increase is now less steep.

One source reports that in the decade of the 1970s private elementary school pupils increased by 13% and secondary by 60%, an overall increase of 40%, alongside an overall decline of 14% in the public sector, the most remarkable increase being in Ontario and Quebec, by 59% and 47% respectively. It is clear that by far the greatest increase is at secondary level, and that in a majority of provinces, also, the number of pupils in private secondary schools is much greater than in elementary schools, the exceptions being Manitoba, Alberta and British Columbia. In 1983/4, 14,633 pupils attended pre-elementary private schools throughout Canada, mainly in Quebec, Ontario and British Columbia.

In official national statistics, pupils of 'separate' Catholic schools are included in figures for the public sector, with the exception that in Ontario those in grade 10-13 who attend Catholic high schools are in the private sector. This is very different from the US, where Catholic school pupils account for more than 60% of the total in private schools. There are of course provinces without 'separate' systems. (See section 6(b) below.)

(b) *Finance*

The most recent estimate of the extent to which private schools benefit from public funds dates from 1976. For Canada as a whole, this suggested the following distribution:

From School Boards	9.5% of total income
From provincial governments and the Federal Government	25.5% of total income
From tuition fees	45.1% of total income
Other sources	19.9% of total income

As will be clear from the account of provincial systems in Section 4 above, these proportions will differ widely, according to the local policy in respect of grants. Where no grants were made, tuition fees accounted for from 65-70% of total revenue.

6. **The variety of private schools**

In Canada, as in the US, the private sector consists of many heterogeneous types of school, with vastly different philosophies of education and practices. Many of them have confessional ties. For the most part, as will be made clear below, they belong to provincially based rather than national associations, which form wider federations to promote their common interest. There is very little scope for lobbying or policy making at federal level, though several national organisations have been formed to consolidate provincial policies. It seems best to give a brief account of each of the main types of school in turn, alongside their respective associations.

(a) *The traditional, so-called 'élitist' schools*

Some 53 boys and girls schools, some of which are wholly or partly boarding, are in membership of the Canadian Association of Independent Schools through their provincial associations, where action is now concentrated, with little or no federal activity from the centre. All are non-profit-making. About half of them are nineteenth century foundations, some of which, like Upper Canada College in Toronto, Bishops College School in Quebec, St. John's Ravenscourt in Winnipeg, date from the 1820s and 30s. The oldest is King's, Edgehill, in Windsor, Nova Scotia, founded in 1788. The later Victorian foundations show by their names their close affiliation with contemporary educational fashions in the UK – Halifax Ladies College founded in 1887, Ontario Ladies College, 1874, also called Trafalgar Castle School, The Convent of the Sacred Heart, Halifax (1849) and Montreal (1868).

The names of this century's foundations are no less reminiscent of the English public school and grammar school tradition to which they, with their earlier partners both Catholic and Protestant, belong – St. George's, Montreal (1930), Vancouver (1931), Sedbergh School (1939), St. Margaret's Victoria (1908). The Bishop Strachan School (girls) (1867) in Toronto commemorates a mid-century anglican bishop who campaigned for Anglican control of English education against freechurchmen.

CAIS schools to-day show the same variety as their equivalents in the Headmasters' Conference and the Girls' Schools Association in the UK, and have perhaps retained more of the flavour of the nineteenth century 'public' school. Many style themselves Anglican schools while others are Catholic, inter-denominational or uncommitted. All share the 'English grammar school' tradition of disciplined and coherent academic study combined with the development of physical and social skills by extra-curricular activities in an organised community, encourage sports and artistic pursuits and insist on a high standard of personal turnout and good manners. Relations of pupils with staff are nevertheless warm and fairly informal. Schools like Upper Canada College can justly claim that all pupils go on to University or other higher education with an honour graduation diploma, and have five candidates for every place. Curriculum and examinations or other tests normally follow the requirements of the provincial authority, as do teacher qualifications where these are laid down by regulation, but remain the responsibility of the school authorities. Inspection and accreditation is enforced in some provinces (see Section 4 above). Their traditional clientèle has been until the

early '70s amongst the white middle class protestant and catholic families of colonial Canada, and it is only within the last decade that 'immigrants' have begun to apply to the top schools. More than 50% of applicants to Upper Canada College are now Canadian citizens of 'foreign' origin, i.e. mainly European immigrants of different racial origins. Like other private schools they have profited from popular discontent with the inequity and materialism of the public sector, and the desire for a disciplined education based on commitment of teachers and taught. No doubt, too, they appeal to the socially ambitious and are seen as steps to success and status in later life. Their heads are very much aware of the difficulty of combining a traditional insistence on all round standards with sensitivity to changes in social and personal ways of life in a pluralistic and post-industrial community, but their stance still tends towards the conservative.

The schools are owned and governed by boards of trustees or governors on the English pattern and members are often nominated by the churches, universities or other public bodies. There are provincial associations of governing bodies similar to and combining the function of the Governing Bodies Association and the Governing Bodies of Girls' Schools Association in the UK; and in the province of Ontario at least this association is in process of forming a single joint body with the headmasters and headmistresses of the Ontario Association of Independent Schools. Many schools, and especially the old foundations, have impressive buildings on large sites with ample playing fields. Capital building and major improvements are mainly financed by appeals and loans as in the UK.

Fees are high, although there is some benefit from subsidy in provinces like British Columbia, Manitoba, Alberta and Quebec, where provincial policy allows it. Most unsubsidised day-school fees range between $4000 and $6000, and boarding fees between $9000 and $10,000 per annum. Most schools offer scholarships and have a bursary fund for 'deserving students with parents in many different walks of life'. Of the 28 schools in Ontario province, which represent nearly half the national total, eight are to some degree co-educational; eight for boys only and seven for girls. Eight are day schools, one all-boarding and 14 mixed day and boarding. Seven are 'all-through' from kindergarten to grade 13, others begin at grades from two to nine. They educate roughly 5600 boys and 4800 girls. Schools vary in size from the Toronto French School with 1149 day pupils and Upper Canada College with 950 including 112 boarders to Rousseau Lake School with 90 boarders. The average size is about 500. Some of the boarding schools emphasise their international and national clientèle, and Hillfield-Strathallan College includes a Montessori school within the normal academic set-up. Entrance tests and personal interviews are normal requirements for admission. The total number of pupils in CAIS schools is about 12,000 or 5% of the total private school population.

The CAIS schools were very slow to take advantage of the federal grants for language programmes because they feared that acceptance would bring with it the danger of increased controls; and their general attitude is to safeguard their independence and freedom of action at all costs. As non-profit-making institutions they are exempt from local, provincial and federal taxes, and in Ontario at least their parents are able to recover personal tax on the cost of religious instruction, books or worship, which are billed separately by the school for this reason. CAIS is opposed to financial subsidy from government and does not admit to membership associations such as AAIS (Association of Alternative and Independent Schools) which campaign for it.

(b) *Catholic Schools*

As will be clear from the provincial survey above, there is no single pattern of Catholic education. Whereas in the US Catholic schools are entirely in the private sector, in Canada they may be either (1) incorporated in the public sector in a 'separate' system, which entitles them to a certain measure of autonomy and full funding from provincial funds and local property taxes; (2) partially so incorporated in Ontario where until 1983 grades 10-13 counted as private schools but were indirectly subsidised by state funding for the lower grades, mostly on the same premises; (3) merged in the public system, and dependent on a Catholic majority in their catchment area for their preservation of their denominational character; (4) entirely in the private sector, with or without subsidy from public funds; or (5) a mixture of these patterns. For example, Manitoba and Nova Scotia have a mixture of (3) and (4) and British Columbia pattern (4) only. Quebec is a special case with Catholic and Protestant public schools in a dual confessional public sector and also Catholic private schools designed to promote the French language. Catholic separate schools are in some ways similarly placed to the voluntary-aided schools in Great Britain, with the very real difference that they have their own separate local schools boards and superintendents to administer the schools in conformity both with provincial regulations and the policies of the Catholic hierarchy. They are therefore much less vulnerable except in matters of curriculum, especially in the appointment of staff, and in some provinces have the support of local ratepayers who direct their property taxes to them, rather than the other school boards, though this cannot be done for provincial taxes destined for education.

Catholic schools, whether 'separate' or private, receive both financial and moral support from diocesan authorities, the teaching orders, local churches and their parishioners, and this is especially true in Ontario where until recently the top three grades of high school have depended largely on fees and church subsidy. There are signs that, as in other countries, the decrease in the numbers of teachers in orders and increasing costs are straining diocesan resources, and this has strengthened the demand from Catholics for full funding from provincial sources, especially in Ontario.

'Separate' schools are usually not exclusive in their admissions policies, or socially and academically selective, and private Catholic schools which receive provincial aid, as in British Columbia, are required not to discriminate in matters of religion, sex and race. Nevertheless the great majority of pupils are from Catholic families. Fees in the private grades of Catholic High Schools in Ontario are modest (from $700-$1000), but there is considerable anxiety about the ability of the Church to continue the subsidies which make low fees possible. In other provinces they depend upon the content of subsidy from provincial funds. Apart from a desire for Catholic education for their children, parents increasingly choose Catholic (and other private schools) because of disenchantment with the public system.

There is a Catholic School Trustees Association in Toronto and a Catholic Teachers Federation at federal level, and at provincial level there are associations of trustees, principals, teachers, school boards and parents. (See section 8 below.)

(c) A number of schools outside the CAIS which are church-oriented but not strongly confessional provide both day and boarding education of a less expensive but traditional kind, much after the fashion of schools in the UK not in membership of the Governing Bodies Associations of boys' and girls' schools, the Headmasters' Conference and the Girls' School Association.

(d) *Jewish schools* exist in many more popular centres. They are well organised and supported and like the CAIS schools, to which they are said to be the nearest rivals, have strong academic programmes and high standards of achievements. The schools are controlled by provincial Jewish Boards of Education and there is a national association.

(e) *Sectarian Christian Schools*

These schools, almost all non-profit-making, form a large and rapidly expanding section of the private sector, and are very varied in size, standards and types of education. Many of them, especially those in country districts, have no more than one or two classes conducted in improvised premises by unqualified teachers who are often the incumbents of the church concerned. Such schools rely heavily upon the curricular programmes of various American organisations, the most prominent of which is 'Accelerated Christian Education Inc.' with headquarters in Texas; its associate, 'Alpha Omega Publications', provides individualised programmed-learning materials with a strongly fundamentalist bias intended for use by teachers without academic qualifications. They are very popular in small schools of perhaps 30 pupils which could not otherwise cover the full rage of grades 1-12. The programmes are 'content-oriented' and there is no benefit of class-discussion or practical work in science or essay writing. Tests are by multiple-choice questions; and there is little scope for extra curricular activity. Schools using the programme must enter into a legally binding contract with ACE and principals and pastors must attend a training course.

ACE has a Canadian Headquarters in Prince Albert, Saskatchewan. Other organisations like the American Christian Schools International and the Association of Christian Schools International also provide teaching materials of an interdenominational kind and serve a wide range of schools; and more recently Christian Light Publications and Rod & Staff Publishers have grown up to provide for Mennonite schools and the Bob Jones Press and Beta Press for some Baptist groups in the US and Canada. This degree of contact with and dependence on the US is in marked contrast with the general tendency of Canadian education; and, whatever their limitations, these schools serve a need felt by many adherents of fundamentalist churches. Fundamentalist Baptist churches deny the existence of government and often refuse to register their schools in disregard of provincial requirements. Seventh Day Adventists have a more highly organised system of schools, with administrative control exercised by superintendents and a national headquarters in Oskawa, Ontario, and, with the Dutch Reformed schools, achieve higher standards within a strictly sectarian kind of education. Mennonites have numerous colonies throughout rural Canada and insist on early leaving to work in their enclosed communities. Many of their schools too are one- or two-room buildings only. The Dutch Reformed Church has a well-administered school system but schools are poorly established and very dogmatic about the selection of pupils and teachers.

Sectarian schools in general restrict admissions to children of parents who subscribe to their beliefs and lay special stress on their particular pattern of Christian education at the expense of oecumenism and open-ended discussion of beliefs and creeds. They include along with very small and poorly provided schools some large and well organised ones which offer a sound, if restricted, education.

(f) *Montessori, Waldorf and similar schools* with special educational programmes are growing in popularity, as they are in Europe, and the non-sectarian group of

schools includes a number of these, mostly at primary level, and some schools with experimental programmes for languages, international understanding and other special purposes.

(g) It may help to illustrate the variety and content of these schools to give some account of their numbers and types in one or two provinces. In Ontario, of roughly 510 registered private schools, some 13 (2.5%) were Anglican, mostly CAIS members; 29 (5.6%) were Baptist; 11 (2.1%) Canadian Reformed; 22 (4.2%) Jewish; 65 (12.6%) Amish-Mennonite; 160 (31.1%) non-sectarian; (including Montessori and Waldorf, etc.); 61 (11.8%) Ontario Alliance of Christian Schools (mostly fundamentalist); 81 (15.7%) Roman Catholic Secondary Schools (see section 6b above); 28 (5.4%) Seventh Day Adventists; 5 (.9%) United Churches and 41 (8%) 'other'. This classification is not universal. In British Columbia in 1983/84 there were some 68 (27% of all schools) private elementary and secondary Catholic schools, and 10 CAIS schools out of 110 schools in membership of the Federation of Independent Schools; and 137 non members, of whom 24 were Seventh Day Adventist, and the bulk Association of Independent and Church Schools members using ACE curricula, with a sprinkling of Waldorf, Montessori and similar schools. FISA schools claim to account for 85% of private school enrolment, something which demonstrates the small size of many of the non-FISA schools.

7. **Co-ordination and control**

The delegation of educational legislation and administration to provincial level leaves very little scope for concerted national action by private school associations. At provincial level the groupings of private schools, their trustees and teachers, vary in composition aad title, but Catholic, Seventh Day Adventist, Jewish and CAIS schools normally have their own associations, while other schools come together under titles such as Society of Christian Schools, and Association of Independent Church Schools. Some of these, including FISA in British Columbia, the Seventh Day Adventists, and the very active Association of Alternative Independent Schools in Ontario, advocated by Mr Lyle McBurney, belong to the Federation of Independent Schools in Canada (FISC) with headquarters in Vancouver, and campaign actively for the same kind of assistance as is given by law to Catholic and Protestant separate schools in a majority of provinces. FISC argues at federal level for tax-credits or vouchers and monitors federal programmes which are open to private schools.

The majority of schools are non-profit-making institutions under the control of Trustees and are free of federal and provincial taxes. As noted in Section 4, some provinces require private schools by law to be of this kind.

The names and addresses of the main organisations are listed in Appendix 3.

8. **The status and future prospects of private schools**

The private sector as a whole is a generally accepted alternative to public education in Canada, and over the last decade and a half has increased both its enrolment of pupils and the range of its schools. The most noticeable increase, as the statistical section 5 shows, has resulted from the burgeoning of often tiny sectarian schools and has coincided with a drop in public school rolls. Two reasons among many help to account for this development. The first is, as already explained, growing discontent with the inequality of opportunity which is a feature of all public systems of education and dissatisfaction with what are seen as lack of disciplined learning, combined with an increasingly materialistic approach to life amongst teachers and

pupils in large schools, where the individual is submerged and lost and a drug culture may be found. The tradition and practice of public education in Canada is, with the exception of BC, as already noted, non-denominational rather than strictly secular as in the States, and public opinion backed by law favours the preservation of minority groups and their beliefs rather than their homogenisation. While both Catholic and the more orthodox protestant Canadians have for the most part been content with the protection of their educational interests in provincial systems of education, alongside private schools for the better off, later immigrants from mainland Europe and elsewhere have increasingly opted for private education to preserve their way of life and their beliefs from contamination by what they see as a commercial and agnostic society; and others look to different philosophies of education of a more secular kind like those of the Montessori and Steiner schools.

Another factor in the growth of the sector is the increase in the number of married women at work, now estimated at 50%, and the growth of one-parent families. Even the so called 'élite' schools of CAIS like Upper Canada College and Bishop Strachen School for Girls in Ontario have never been more in demand and report as many as 50% of applicants from recent 'immigrant' rather than established Canadian families. The man in the street still tends to dismiss private schools as 'schools for rich kids, whose aim is status rather than education'; but the rancour is not deeply embedded and goes along with the view that teachers in all kinds of schools are feather-bedded and overpaid for a short working day. There is no strong political animosity to private schools and media correspondents in Ontario could not name any doctrinaire opponent on political grounds. Such opposition as there is comes mainly from the teachers' union and school superintendents in the public system and is directed more at the expensive than the sectarian schools, because they fear the loss of better teachers by transfer – though some favour their existence as providers of jobs for those who can no longer find employment in public schools. In fact teachers in private schools are somewhat less well-paid than their colleagues in state schools, though salaries in both are good by comparison with the UK. Provincial certification or its equivalent is normally required for private school teachers, but they are not required to belong to the Teachers Union and only teachers in Jewish schools are fully unionised. Teachers in private Catholic schools normally belong to the same associations as their colleagues in 'separate' schools.

Supporters of the private schools claim that their pupils reach standards at least equivalent to those of the public system measured in terms of examination results, but these range widely in both sectors and are not monitored by nation-wide external examinations as in the UK. CAIS schools, some of which are highly selective by reason of their long lists of applicants from the better-off families, send a high proportion of pupils on to university with Honour Graduation Certificates, but the system of university entrance, which is highly mechanised, does not take account of the candidate's school, so that there is no hidden advantage.

Though these schools have widened the social range of their entry, they maintain many of the characteristics of nineteenth century middle and upper class society, including insistence on high standards of manners and dress; and their old boys undoubtedly enjoy some benefit from their old boy networks in business and the professions – but in Canadian society this seems to cause little real concern and is not felt to be a serious distortion. The same applies to some of the older established Catholic and non-sectarian schools which are academically strong.

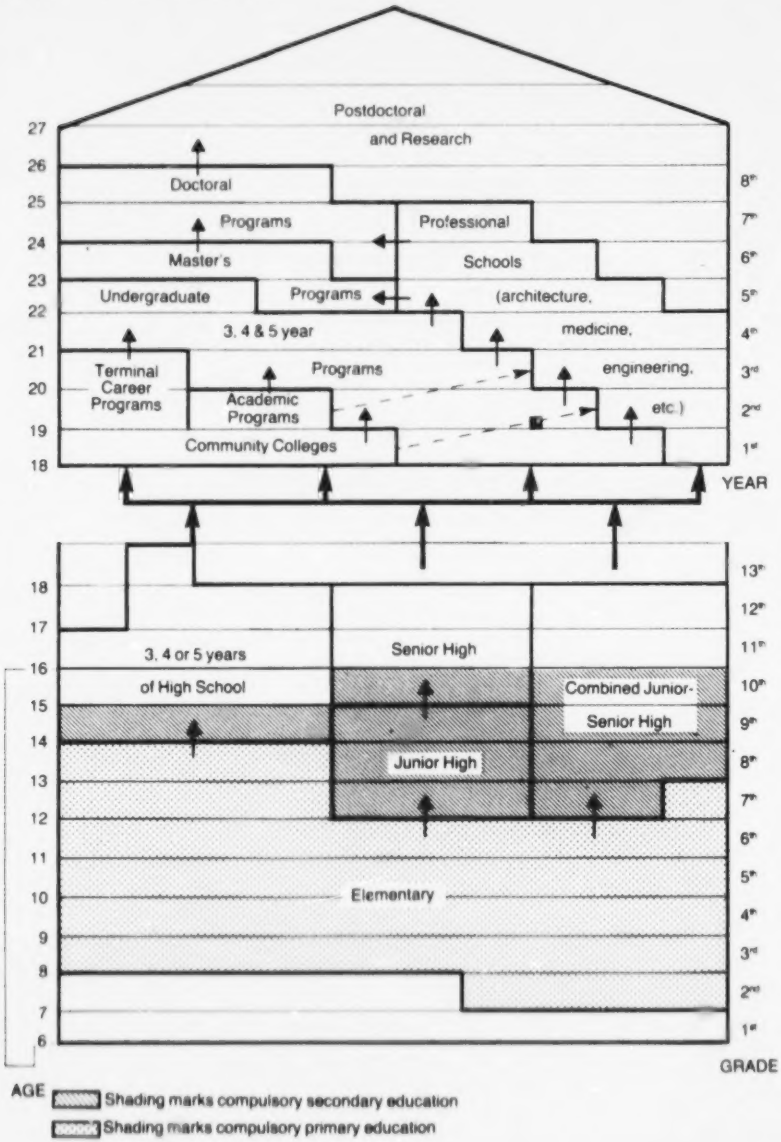
Public debate of a modest kind is centred more on the desirability of public

funding for private schools; and it is noticeable that in British Columbia, Alberta and Saskatchewan, where many of them qualify for subsidy, political opposition is muted rather than strenuous. In Ontario, the Association of Alternative and Independent Schools (see 7 above) is campaigning actively for financial support for confessional schools of all kinds alongside the Catholic separate system, and points to some degree of help with text books, transportation or the like even in provinces which do not grant subsidies; but despite a very thriving economy which supports a large private school sector, the present administration has not been inclined to yield until very recently (June 1984) and even then only to Catholic schools. This may be an election issue in 1985. It is noteworthy that, despite this lack of public funding, private school rolls in Ontario have in proportion increased more than in any other province, and this adds strength to the contention that except for the minority of 'élitist' schools, they are not beyond the reach of the average family, even without assistance with fees. Despite their unpopularity with some employees in state schools, there are signs of growing cooperation between the two sectors in the sharing of facilities, transportation and the like which is blurring the division between public and private. Further, there are those who argue that, with this increasing cooperation and assistance from public funds, private schools are beginning to be seen as semi-public institutions providing an alternative education – a suggestion which does not appeal either to the CAIS schools on the one hand or the dogmatic sectarian schools on the other.

At a more philosophical level, the case for independence based on freedom of parental choice and the right to establish private schools is buttressed by the reinforcement of the declarations of human rights to the 1982 Canada Act, in the Quebec Education Act, by judgements in the courts, and less explicitly by provincial legislation on education. It fits well with the general preference of Canadians for a healthy pluralism rather than uniformity, and they are quick to point out the importance of freedom in education for the preservation of a liberal, adult and democratic society and the acceptance of this role in all the western democracies. As in the US, the climate of opinion is moving slowly but steadily towards the belief that to preserve it involves increasing assistance from the public purse and some surrender of independence on the part of private schools in terms of accountability. In fact, they are in most provinces already, like their equivalents in many European countries, subject to more regulation in terms of curriculum and teacher qualifications than private schools in the UK, as the price of the right to award graduation diplomas approved by the authorities; and, like private schools everywhere, they must fulfil legal requirements in hygiene and building regulations. The fact that decision-making is devolved to the ten provinces and the two vast territories undoubtedly helps to stimulate diversity of approach of education and helps to preserve the interests of minorities and local groups; and the diversity itself makes possible a wider range of experiment and theory than is possible under a single national code. All the evidence suggests that private education in Canada will continue to thrive and increase. Its Achilles heel lies in the multiplication of small and often inefficient schools, already noticeable especially in rural areas, many of which fiercely resist any kind of control. They are likely to come under increasing pressure as state support is extended and will certainly present enormous problems to conscientious legislators and administrators, who feel it incumbent on them to insist on at least minimum standards of achievement.

APPENDIX 1 (Canada)

Educational structure in Canada



Appendix 2
June 1984

AID TO DENOMINATIONAL & INDEPENDENT SCHOOLS

Legal Provisions & Informal Arrangements Across Canada

(NB This is a summary only – for greater detail and explanation see Section 4 of text)

Province or territory	Denominational schools within public system	Educational controls on independent schools	Funding provided to independent schools	Other assistance to independent schools	% of pupils in private schools 1983/4
Newfoundland	Fully funded denominational public schools.	Require permission of Minister of Education.	If only school in community, may receive full funding.	—	0.2
New Brunswick	No legal provision, but informal arrangements.	—	—	—	0.7
Nova Scotia	No legal provision, but informal arrangements.	—	—	Textbooks made available.	1.0
Prince Edward Island	No legal provision, but informal arrangements.	—	—	Textbooks made available.	0.2
Quebec	Dual, denominational public school systems, both fully funded	Provincial permit required to operate	80% or 60% of public school costs.	—	8.1
Ontario	Separate school districts receiving 95% funding, grades K – 10. (To be extended to 100% for all grades.)	Must submit reports and be open to inspection by Ministry of Education	—	Curriculum materials made available	4.4

Province or territory	Denominational schools within public system	Educational controls on independent schools	Funding provided to independent schools	Other assistance to independent schools	% of pupils in private schools 1983/4
Manitoba	No legal provision, but informal arrangements.	Must provide curriculum and standard of education equivalent to public system.	$480 per pupil for 1983.	Shared services – student transportation, facilities and services. $30.00 textbook grant.	4.4
Saskatchewan	Separate school districts receiving full funding.	Must submit reports and be open to inspection by Ministry of Education.	$1546 per resident student, grades 9-12, for 1983. Capital construction grants – 10% total cost.	—	1.3
Alberta	Separate school districts receiving full funding.	Require permission of Minister of Education. To receive grants must follow Provincial Curriculum, etc. and be non-profit.	$1257 – $1509 per F.T.E. student for 1983.	$3.40 reading materials grant, grades 1 – 6. May enter into services agreement with, or be adopted by, public school board (separate or majority).	1.9
British Columbia	—	None – unless apply to receive grants, in which case must teach Provincial courses, employ approved teachers, etc.	9% or 30% of public school costs depending on ability of school to meet Provincial standards.	Free textbooks, may enter transportation and facilities agreements with public school boards.	5.5
Yukon	Separate school districts receiving full funding.	—	—	—	—
Northwest Territories	Separate school districts receiving full funding.	Require approval of Minister of Education.	—	—	—

APPENDIX 3

CANADA

Private School Associations

Associations operate almost entirely at Provincial level, as explained in Section 7.

Schools of similar type to those in membership of the British Independent Schools Joint Council belong to:

The Canadian Association of Independent Schools.
Contact address for 1985: Sheldon Clark, Esq, Headmaster, Pickering College, Newmarket, Ontario L3Y 4X2 (This year's President).

Other schools of many kinds belong to:
The Federation of Independent Schools in Canada,
150 Robson St., Vancouver, BC V6B 2A7. Tel: (604) 684 602

Religious groups include:
Seventh Day Adventist Church in Canada,
1148 King St.E, Oshawa, Ontario L1H 1H8. Tel: (416) 433 0011

Canadian Catholic School Trustees Association,
67 Bond St., Toronto, Ontario M5B 1X5. Tel: (416) 368 3049

Accelerated Christian Education, Canada
Box 1773, Prince Albert, Saskatchewan, S6V 5T3. Tel: (306) 764 7739

More detailed information and addresses may be obtained from the author by request.

NATIONAL ISIS
56 Buckingham Gate
London, SW1E 6AG
Tel: 01-630 8793/4
National Director: D J Woodhead

ISIS – the Independent Schools Information Service – was founded in 1967 and became a national organisation in 1972. It is financed by the leading associations of independent schools in Britain which have more than 1350 schools in membership.

It was founded:

1. to inform the public of the true nature of independent schools and of their value to the nation;
2. to answer parents' questions about independent schools and to help them with their educational problems. This service is provided in London and at eight other regional offices covering the UK and Eire.

Each region publishes a handbook of member schools.

ISIS International runs a consultancy service for parents who live overseas seeking independent schools for their children in Britain. It also runs a service for both British and overseas parents looking for schools to match their children's special talents or disabilities.

The ISIS Association was formed in 1974 for friends and supporters of independent schools. Subscription is £8 a year (£10 overseas) and enables members to receive termly newsletters, ISIS literature and other benefits.

National ISIS's Research Project was set up in 1981 under Mr Peter Mason, MBE, former High Master of Manchester Grammar School, as Honorary Director.

Peter Mason, MBE. former High Master of The Manchester Grammar School, is Honorary Director of National ISIS's Research Project. His address is Leeward, Longborough, Moreton-in-Marsh, Gloucestershire, GL56 0QR. Tel. Cotswold (0451) 30147, from which further information may be obtained.

Mr Mason has travelled and lectured widely in Europe, Africa and the United States. He was until recently Chairman of the Council of Education in World Citizenship and of the Regional Conference for International Voluntary Service – a co-ordinating organisation for European Voluntary Service in the Third World.

He has written numerous articles on education for national and specialist journals and magazines in Britain and Europe.

ISIS DOCUMENT No. 26, MAY 1985

Further copies of this document may be obtained from National ISIS, 56 Buckingham Gate, London, SW1E 6AG. Price £2.00 (including postage and packing).

Copies of Private Education in the EEC (price £1 including postage and packing) are also available.

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